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No. 2] NEW DELHI, JANUARY 6—JANUARY 12, 2008, SATURDAY/PAUSA 16—PAUSA 22, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड, एवं सेवाकर आयुक्तालय

सं. 15/2007-कस (एन.टी.)

भुवनेश्वर, 14 दिसम्बर, 2007

का.आ. 46.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा शुल्क अधिनियम, 1962 की धारा 152 के क्लॉज (ए) के अन्तर्गत जारी दिनांक 01-07-94 की अधिसूचना सं. 33/94-कस (एन.टी.) तथा यथा संशोधित अधिसूचना सं. 122/2004-कस (एन.टी.), दिनांक 25-10-2004 के तहत अद्योहस्ताक्षरित को प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, एतद्वारा सीमा शुल्क अधिनियम 1962 की धारा 9 के तहत, ओडिशा राज्य के गाँव : सानपाडुली, पोस्ट: डाला, जाजपुर रोड, जिला: जाजपुर को 100% निर्यात आधारित एकक गठित करने के सीमित प्रयोजन हेतु भण्डागारण स्टेशन घोषित करता हूँ।

[फा. सं. IV(16)/124/तक/भुव-1/2007]

एम. सुरेश, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(COMMISSIONERATE OF CENTRAL BOARD OF EXCISE, CUSTOMS AND SERVICE TAX)

No. 15/2007-CUS. (N.T.)

Bhubaneswar, the 14th December, 2007

S.O. 46.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-CUS. (N.T.) dated 01-07-1994 as amended by Notification No. 122/2004 (NT) dated 25-10-2004 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare,

Village: Sanapatuli, P.O. Dala, Jaipur Road, District Jaipur in the state of Orissa as warehousing station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up 100% Export Oriented Unit.

[F. No. IV (16)/124/TU/BBSR-1/2007]

M. SURESH, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 2 जनवरी, 2008

का.आ. 47.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ 1-4-2002 संगठन कृपा फाउंडेशन, मुम्बई को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लेगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक वैज्ञानिक में अनुसंधान के लिए किया जाएगा;
 - (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान करेगा;
 - (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
 - (iv) अनुमोदित संगठन सामाजिक विज्ञान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।
2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-
- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
 - (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
 - (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान एवं सांख्यिकीय अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त राशि का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
 - (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
 - (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं.1/2008/फा. सं. 203/83/2004-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 2nd January, 2008

S.O. 47.—It is hereby notified for general information that the organization Kripa Foundation, Mumbai has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2002 in the category of 'other Institution' partly engaged in research activities subject to the following conditions, namely :-

- (i) The Sums paid to the approved organization shall be utilized for research in social sciences;
- (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act ;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social sciences and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain books of account referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for research in social sciences or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of section 35 of the said Act, read with rules 5C and 5E of the said Rules.

[Notification No. 01/2008/F. No. 203/83/2004/ITA-II]

SURENDER PAL, Under Secy.

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 2 जनवरी, 2008

का.आ. 48.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपाबंध) स्कीम, 1970/1980 के खण्ड 9 (2) के उप-खण्ड (ख) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, श्री एम.एस. जौहर को अधिसूचना की तिथि से, तीन वर्षों के लिए और/अथवा अगले आदेश होने तक, जो भी पहले हो, सेन्ट्रल बैंक आफ इंडिया के निदेशक मण्डल में, सनदी लेखाकार वर्ग के अंतर्गत, अंशकालीन गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/30/2006-बीओ-1]

जी.बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 2nd January, 2008

S.O. 48.—In exercise of the powers conferred by sub-section 3(g) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with Reserve Bank of India, hereby nominates Shri M. S. Johar, as part time non-official director under Chartered Accountant Category, on the Board of Directors of Central Bank of India for a period of three years from the date of notification and/or until further orders, whichever is earlier.

[F.No. 9/30/2006-BO-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 2 जनवरी, 2008

का.आ. 49.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(ज) तथा 3(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री इन्द्रेष विक्रम सिंह, को अधिसूचना की तिथि से, तीन वर्षों के लिए अथवा अगले आदेश होने तक, जो भी पहले हो, बैंक आफ इंडिया के निदेशक मण्डल में अंशकालीन गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/22/2006-बीओ-1]

जी.बी. सिंह, उप सचिव

New Delhi, the 2nd January, 2008

S.O.49.—In exercise of the powers conferred by sub-sections 3(h) and (3-A) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Indresh Vikram Singh, as part time non-official director on the Board of Directors of Bank of India for a period of three years from the date of notification or until further orders, whichever is earlier.

[F.No. 9/22/2006-BO-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 3 जनवरी, 2008

का.आ. 50.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(ज) तथा 3(क) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री निशांक कुमार जैन, को अधिसूचना की तिथि से, तीन वर्षों के लिए अथवा अगले आदेश होने तक, जो भी पहले हो, विजया बैंक के निदेशक मण्डल में अंशकालीन गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/22/2006-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 3rd January, 2008

S.O. 50.—In exercise of the powers conferred by sub-sections 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Nishank Kumar Jain, as part time non-official director on the Board of Directors of Vijaya Bank for a period of three years from the date of notification or until further orders, whichever is earlier.

[F. No. 9/22/2006-BO-I]

G. B. SINGH, Dy. Secy.

(आर्थिक कार्य विभाग)

शुद्धि पत्र

नई दिल्ली, 19 दिसम्बर, 2007

फा.आ. 51.—भारत के राजपत्र, असाधारण के भाग II, खण्ड 3, उप-खण्ड (i) में प्रकाशित इस विभाग की दिनांक 24 जनवरी, 2007 की समसंख्यक अधिसूचना में खण्ड (1) के उप-खण्ड (i) में संख्या "2006" के स्थान पर संख्या "2007" पढ़ा जाए।

[फा. सं. 12/2/2006-सिक्का-II]

ए. के. अजमानी, अवर सचिव

(Department of Economic Affairs)

CORRIGENDUM

New Delhi, the 19 December, 2007

S.O. 51.—In this Department's Notification of even number dated 24th January, 2007 published in Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), the number "2006" in the sub-section (i) of Section (1) may be substituted by number "2007".

[F. No. 12/2/2006-COIN-II]

A. K. AJMANI, Under Secy.

कार्यालय मुख्य आयकर आयुक्त

अधिसूचना

सं. 11/2007-08

जयपुर, 4 जनवरी, 2008

फा.आ. 52.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23 सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निर्धारण वर्ष 2006-07 के लिए कथित धारा के उद्देश्य से "गीता बजाज बाल मन्दिर संस्थान, जयपुर" को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम, 1962 के नियम 2 सीए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उप-खण्ड (23 सी) की उप-धारा (vi) के प्रावधानों के अनुरूप कार्य करे।

[मुआआ/अआआ/(समन्वय)/जय/10 (23सी) (vi)/07-08/6127]

एस. सी. कपिल, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Notification No. 11/2007-08

Jaipur, the 4th January, 2008

S.O. 52.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Geeta Bajaj Bal Mandir Sansthan, Jaipur" for the purpose of said section for the A.Y. 2006-07 :

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl. CIT (Coord.)/10(23C)(vi)/2007-08/6127]

S.C. KAPIL, Chief Commissioner of Income-tax

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 13 नवम्बर, 2007

का.आ. 53.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्यों के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है :

- (1) श्रीमती एम.के.आर. आशालता
- (2) श्री एम.के. रामू
- (3) श्री बुद्धराजू नरसिम्हा राजू
- (4) श्री वामसी रामराजू
- (5) सुश्री वाई. जयालक्ष्मी
- (6) श्री जी. रामचन्द्रा राव
- (7) श्री मद्दाली रघुराम
- (8) श्री केथी रेड्डी जगदीश वारा रेड्डी

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 13th November, 2007

S.O. 53.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

- (1) Smt. M.K.R. Ashalatha
- (2) Shri M.K. Ramu
- (3) Shri Budharaju Narasimha Raju
- (4) Shri Vamsi Ramaraju
- (5) Ms. Y. Jayalakshmi
- (6) Shri G. Ramachandra Rao
- (7) Shri Maddali Raghuram
- (8) Shri Kethi Reddy Jagadish Wara Reddy

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 16 नवम्बर, 2007

का.आ. 54.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्यों के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है :

- (1) श्री अशोक बाबू गुप्ता
ए-1/105, सफदरजंग एंक्लेव, नई दिल्ली-110029
- (2) श्री चन्द्र शेखर राय,
बी-302, सोम अपार्टमेंट, प्लॉट नं. 24,
सै. 6, द्वारका, नई दिल्ली-110075

[फा. सं. 809/7/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 16th November, 2007

S.O. 54.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Delhi advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

- (1) Shri Ashok Babu Gupta,
A1/105, Safdarjung Enclave, New Delhi-110029.
- (2) Shri Chandra Shekher Rai,
B-302, Som Apartment, Plot No. 24,
Sector-6, Dwarka, New Delhi-110075

[F. No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 20 दिसम्बर, 2007

का.आ. 55.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में श्री एल पुरुषोत्तम रेड्डी, 9-9-21/1/सी, प्लॉट सं. 20, मारुति अस्पताल के पीछे, रेड्डी कॉलोनी, चम्पापेट, जिला आर.आर., हैदराबाद-500079 को नियुक्त करती है।

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 20th December, 2007

S.O. 55.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri L. Purshotham Reddy, 9-9-21/1/C, Plot No. 20, Opp. Maruthi Hospital, Reddy Colony, Champapet, R.R. District, Hyderabad-500079 as a member of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

कोयला मंत्रालय

नई दिल्ली, 26 दिसम्बर, 2007

का.आ. 56.—कोयला खान (राष्ट्रीयकरण) अधिनियम, 1973 (1973 का 26) की धारा 17 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार द्वारा श्री पी.आर. मंडल, सलाहकार (परियोजना), कोयला मंत्रालय जिन्हें कोयला नियंत्रक, कोलकाता के पद का अतिरिक्त कार्यभार सौंपा गया है, को 1-11-2007 से अगले आदेशों तक उक्त अधिनियम के अंतर्गत भुगतान आयुक्त को सौंपे गए कार्यों को निष्पादित करने हेतु नियुक्त किया गया है।

[सं. 18/7/2007-ए एसओ]

एच. सी. अग्रवाल, निदेशक

MINISTRY OF COAL

New Delhi, the 26th December, 2007

S.O. 56.—In exercise of the powers conferred by sub-section (i) of Section 17 of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973), the Central Government has appointed Shri P.R. Mandal, Adviser (Projects) in Ministry of Coal, who has been given additional charge of the post of Coal Controller, Kolkata, to perform the functions assigned to the Commissioner of Payments under the said Act, with effect from 1-11-2007 and until further orders.

[No. 18/7/2007-ASO]

H. C. AGRAWAL, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 26 दिसम्बर, 2007

का.आ. 57.—भारतीय मानक ब्यूरो प्रमाणन (विनियम), 1988 की धारा 4 (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) के लिए निम्न लाइसेंस प्रदान किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	भारतीय मानक की संख्या और वर्ष	अनुज्ञप्ति संख्या और लागू होने की तिथि	अनुज्ञप्तिधारक का पता
(1)	(2)	(3)	(4)
1.	भामा 1417 : 1999	7784503 2007-10-08	श्री कृष्णा ज्वैलरज, परख चटकला एम जी रोड, जावेरी बाजार, पोरबंदर, गुजरात-360575
2.	भामा 1417 : 1999	7786709 2007-10-16	पटेल ज्वैलरज, गीता चैम्बरज, लोहान महाजन वाड़ी के सामने, स्टेशन रोड, तलाला (गिर) जूनागढ़, गुजरात-362150
3.	भामा 1417 : 1999	7786810 2007-10-16	आभूषण ज्वैलरज, चांदी बाजार, जामनगर, गुजरात-361001
4.	भामा 1417 : 1999	7783497 2007-10-03	ब्रज ज्वैलरज, दर्शनी पारेखनी शेरी के पास, नानी बाजार, गोंडल, राजकोट, गुजरात
5.	भामा 1536 : 2001	7784095 2007-10-01	जिंदल सॉ लिमिटेड, समघोषा, मांडवी, परागपुर रोड, तालुका मुंद्रा, जिला कच्छ, गुजरात-370415
6.	भामा 12269 : 1987	7784402 2007-10-09	अर्जुन सीमेंट इंडस्ट्रीज, मार्फत अमूल मार्केटिंग, द्वितीय तल, संकल्प कॉम्प्लेक्स, एस टी रोड, जूनागढ़, गुजरात-362001
7.	भामा 1417 : 1999	7792704 2007-10-31	भाविक ज्वैलरज, सोनी बाजार (सराफ बाजार), नवाकाना रोड, राजकोट, गुजरात-360001
8.	भामा 1417 : 1999	7792603 2007-10-31	श्री गोकुल ज्वैलरज, हवेली रोड, सावरकुंडला, अमरेली, गुजरात-364515
9.	भामा 1417 : 1999	7792502 2007-10-31	जमनादास मुल्जीभाई संस, बाजार, बाबरा, जिला अमरेली, गुजरात-365601
10.	भामा 1417 : 1999	7792397 2007-10-31	माधव ज्वैलरज, हवेली स्ट्रीट, तलाला (गिर), जिला जूनागढ़, गुजरात-360150

(1)	(2)	(3)	(4)
11.	भाम्मा 1417 : 1999	7792401 2007-10-31	श्री हरि ज्वैलरज, प्रभु भुवन, महालक्ष्मी मंदिर के समीप, चोरा बाजार, जिला भावनगर, गुजरात-364001
12.	भाम्मा 4985 : 2000	7792805 2007-10-31	सिन्टैक्स इंडस्ट्रीज लि., सर्वे सं. 1231ए, 1211/1, 1223, 1224, राष्ट्रीय राजमार्ग 88ए, भचाऊ, जिला कच्छ, गुजरात-470140

[संदर्भ : सी एम डी-1/13 :11]

ए. के. तलवार, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 26th December, 2007

S.O. 57.—In pursuance of Section 4(5) of the Bureau of Indian Standards Certification (Regulations), 1988, the Bureau of Indian Standards hereby notifies that Licence to use Indian Standard Mark, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Operative Date of Licence	Address of Licensee
(1)	(2)	(3)	(4)
1.	IS 1417:1999	7784503 2007-10-08	Shri Krishna Jewellers, Parakh Chakla M.G. Road, Zaveri Bazar, Porbandar Gujarat 360575
2.	IS 1417:1999	7786709 2007-10-16	Patel Jewellers, Gita Chambers, Opposite Lohan Mahajan Wadi, Station Road, Talala (GIR) Junagadh, Gujarat-362150
3.	IS 1417:1999	7786810 2007-10-16	Abhushan Jewellers, Chandi Bazar, Jamnagar, Gujarat-361001
4.	IS 1417:1999	7783497 2007-10-03	Vraj Jewellers, Near Dharshi Parekhni, Sheri, Nani Bazar, Gondal Rajkot, Gujarat
5.	IS 1536:2001	7784095 2007-10-01	Jindal Saw Limited, Samghogha, Mandvi Paragpur Road, Taluka : Mundra, Distt. Kachchh, Gujarat-370415
6.	IS 12269:1987	7784402 2007-10-09	Arjun Cement Industries, C/o Amul Marketing, 2nd Floor, Sankalp Complex, S.T. Road, Junagadh, Gujarat-362001
7.	IS 1417:1999	7792704 2007-10-31	M/s Bhavik Jewellers, Soni Bazar (Saraf Bazar), Navakana Road, Distt. : Rajkot Gujarat-360001
8.	IS 1417:1999	7792603 2007-10-31	M/s Shree Gokul Jewellers, Haveli Road,, Savarkundla, Distt. : Amreli, Gujarat-364515
9.	IS 1417:1999	7792502 2007-10-31	M/s Jamnadas Muljibhai Sons, Bazar, Babra, Distt. : Amreli, Gujarat-365601

(1)	(2)	(3)	(4)
10.	IS 1417:1999	7792397 2007-10-31	M/s Madhav Jewellers, Haweli Street, Talala (GIR), Distt. : Junagah, Gujarat-360150
11.	IS 1417:1999	7792401 2007-10-31	M/s Shree Hari Jewellers, Prabhu Bhuvan, Near Mahalaxmi Temple, Vora Bazar, Distt. : Bhavnagar, Gujarat-364001
12.	IS 4985:2000	7792805 2007-10-31	M/s Sintex Industries Ltd. Survey No. 1231, 1211/1, 1223, 1224, NH 88A Bhachau, Distt. : Kachchh, Gujarat-370140

[REF:CMD-1/13:11]

A. K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 27 दिसम्बर, 2007

का.आ. 58.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भ. मा. संख्या	भाग	अनुभाग	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7791092	29-10-2007	श्री उषा क्रिएशंस दुकान नं. यू-5, मोदी मॉल, 53/54/55ए, मुकुंद नगर गुलटेकडी पुणे-411037	स्वर्ण और स्वर्ण मिश्र- धातुएं, आभूषण/शिल्प- कारी, शुद्धता एवं मुहरांकन	1417			1999
2.	7793302	02-11-2007	श्री ज्वैलर्स बाजार पेठ संगमनेर जिला अहमदनगर-422605	स्वर्ण और स्वर्ण मिश्र- धातुएं, आभूषण/शिल्प- कारी, शुद्धता एवं मुहरांकन	1417			1999
3.	7784196	30-10-2007	सीएमएस कंप्यूटर्स लिमिटेड, पारदी नं. 4, प्लॉट नं. 1+2 एवं 3+4 गांव-भुगांव पिरामिड फिल्टर बिल्डिंग तालुका-मुलशी जिला-पुणे-411043	वातानुकूलित स्टेटिक ट्रांसफारमर प्रचालित वॉटहावर और वर- हावर मीटर्स, श्रेणी 0.2 और 0.5 एस।	14697			1999
4.	7797108	14-11-2007	पुष्पम ज्वैलर्स (एचयूएफ) 232, गंजपेठ गिवेश्वर मंगल कार्यालय के पास पुणे-411042	स्वर्ण और स्वर्ण मिश्र- धातुएं, आभूषण/शिल्प- कारी, शुद्धता एवं मुहरांकन	1417			1999

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5.	7797916	19-11-2007	बन-ब्रो मेटल्स प्रा.लि. प्लॉट नं. एल-4, एमआयडीसी एरिया जिला अहमदनगर- 414111	कांक्रिट रीइन्फोर्समेंट के लिए उच्च शक्ति विरूपित स्टील की छड़ें व तारें	1786			1985
6.	7798312	08-11-2007	श्री कृष्णा इंटरप्राइजेज प्लॉट नं. डब्ल्यू-17 एम आय डी सी जिला-परभणी-431401	पैकेजबंद पेयजल पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543			2004
7.	7799011	23-11-2007	खरी पेधी 350/556, एस व्ही पटेल स्ट्रीट/सेंटर स्ट्रीट कैम्प पुणे-411001	स्वर्ण और स्वर्ण मिश्र- धातुएं, आभूषण/शिल्प- कारी, शुद्धता एवं मुहरांकन	1417			1999

[सं. सी एम डी/13: 11]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 27th December, 2007

S.O. 58.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (1) Certification (1) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7791092	29-10-2007	Shree Usha Creations Shop No. U-5, Modi Mall 53/54/55A, Mukundnagar Gultekdi Pune-411037	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			1999
2.	7793302	02-11-2007	Shree Jewellers Bazar Peth Sangamner District Ahmed- nagar-422605	Gold and gold alloys, jewellery/ artefacts—Fineness and marking	1417			1999
3.	7784196	30-10-2007	CMS Computers Ltd. Pardi No. 4 Plot No. 1+2 & 3 + 4 Village Bhugaon Pyramid Filter Bldg. Taluka Mulshi District Pune-411043	ac Static Transformer Operated Watthour and Var-hour Meters, Class 0.2 S and 0.5 S	14697			1999
4.	7797108	14-11-2007	Pushpam Jewellers (HUF) 232, Ganjpath Near Giveshwar Mangal Karyalaya Pune-411042	Gold and gold alloys, jewellery/artefacts— Fineness and marking	1417			1999
5.	7797916	19-11-2007	Ban-Bro Metals Pvt. Ltd. Plot No. L-4 MIDC Area District Ahmed- nagar-414111	High strength deformed steel bars and wires for concrete reinforcement	1786			1985

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	7798312	08-11-2007	Shri Krishna, Enterprises Plot No. W-17, MIDC District Parbhani 431401	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
7.	7799011	23-11-2007	Khari Pedhi, 350/556, S.V. Patel Street/ Centre Street Camp Pune-411001	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			1999

[No. CMD/13:11]

A. K. TALWAR, Dy. Director General (Marks)

नई दिल्ली, 28 दिसम्बर, 2007

का.आ. 59.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3580 : 2007 जीवन रक्षक नौकाओं और जीवन रक्षक टाट के लिए विपत्ति संकेतकों की सामान्य अपेक्षाएं (पहला पुनरीक्षण)	आई एस 3580 : 1966	30 नवम्बर 2007
2.	आई एस 5326 : 2007 लाइफ-बॉय-विशिष्ट (पहला पुनरीक्षण)	आई एस 5326 : 1969	30 नवम्बर 2007
3.	आई एस 7451 (भाग 1) : 2007/आई एस ओ 2710-1 : 2000 प्रत्यागामी आंतरिक दहन इंजन-पारिभाषिक शब्दावली भाग 1 इंजन डिजाइन और प्रचालन शब्दावली (पहला पुनरीक्षण)	आई एस 7451 (भाग 1) : 1974	30 सितम्बर 2007
4.	आई एस 9881 : 2007 कन्टेनर स्प्रेडर-विशिष्ट (पहला पुनरीक्षण)	आई एस 9881 : 181	30 जून 2007
5.	आई एस 15734 : 2007 भारवाही कन्टेनर-पुनर्नवीयन से पहले मरम्मत दिशानिर्देश	--	30 जून 2007
6.	आई एस 15739 : 2007 भारवाही कन्टेनर-पुनर्नवीयन दिशानिर्देश	--	30 जून 2007
7.	आई एस 15780 : 2007 स्वचल वाहन-मोटर वाहनों में प्रयुक्त टायर और द्यूबों की मरम्मत	--	30 नवम्बर 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ टीईडी/जो-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टी ई डी)

New Delhi, the 28th December, 2007

S.O. 59.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., Year & title of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 3580 : 2007 General requirements for distress signals for lifeboats and liferafts (first revision)	IS 3580 : 1966	30 Nov. 2007
2.	IS 5326 : 2007 Life-Buoys-Specification (first revision)	IS 5326 : 1969	30 Nov., 2007
3.	IS 7451 (Part 1) : 2007 ISO 2710-1 : 2000 Reciprocating internal combustion engines—Vocabulary Part 1 Terms and engine design and operation (first revision)	IS 7451 (Part 1) : 1974	30 Sep. 2007
4.	IS 9881 : 2007 Container spreaders—Specification (first revision)	IS 9881 : 1981	30 June, 2007
5.	IS 15734 : 2007 Freight containers—Repair before refurbishing—Guidelines	—	30 June, 2007
6.	IS 15739 : 2007 Freight containers—Refurbishing—Guidelines	—	30 June, 2007
7.	IS 15780 : 2007 Automotive tyres—Repair of tyres and tubes used on motor vehicles	—	30 Nov, 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. TED/G-16]

RAKESH KUMAR, Scientist F & Head (Transport Engg.)

नई दिल्ली, 28 दिसम्बर, 2007

का.आ. 60.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो प्रत्यक्ष अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15738 : 2007 स्थायी विरंजक पाउडर-सुरक्षा सहिता	--	30 जून 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 8/आई एस 15738]

ई. देवेन्द्र, वैज्ञानिक एफ, निदेशक (रसायन)

New Delhi, the 28th December, 2007

S.O. 60.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15738 : 2007 Stable Bleaching Powder—Code of Safety	—	30 June, 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 8/IS 15738]

E. DEVENDAR, Sc. F, (Director Chemical)

नई दिल्ली, 28 दिसम्बर, 2007

का.आ. 61.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 18001 : 2007 व्यवसाय विषय में स्वास्थ्य एवं सुरक्षा प्रबंध तंत्र-उपयोग के लिए मार्गदर्शन सहित अपेक्षाएँ (पहला पुनरीक्षण)	—	1 जनवरी, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 8/आई एस 18001]

ई. देवेन्द्र, वैज्ञानिक एफ, निदेशक (रसायन)

New Delhi, the 28th December, 2007

S.O. 61.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 18001 : 2007 Occupational Health and Safety Management System—Requirements with Guidance for use (First Revision)	—	1 January, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 8/IS 18001]

E. DEVENDAR, Sc. F., Director (Chemical)

नई दिल्ली, 28 दिसम्बर, 2007

का.आ. 62.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये भारतीय मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15072 : 2002 प्रसाधन सामग्री, अपमार्जक द्रव्य और अन्य औद्योगिक प्रयोजन के लिये सोडियम अल्फा ओलिफिन सल्फोनेट—विशिष्ट	संशोधन सं. नं. 1, अक्टूबर, 2007	31 अक्टूबर, 2007
2.	आई एस 13498 : 1997 नहाने की बट्टी—विशिष्ट (पहला पुनरीक्षण)	संशोधन सं. नं. 2, अक्टूबर, 2007	31 अक्टूबर, 2007

इन मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीएचडी 25/आई एस 15072 एवं 13498]

ई. देवेन्द्र, वैज्ञ. एफ, निदेशक (रसायन)

New Delhi, the 28th December, 2007

S.O. 62.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 15072 : 2002 Sodium Alpha Olefin Sulphonate for Cosmetic, Detergent and other Industrial Use—Specification	Amendment No. 1, October, 2007	31 October, 2007
2.	IS 13498 : 1997 Bathing Bar—Specification (First Revision)	Amendment No. 2, October, 2007	31 October, 2007

Copy of these Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 25/IS 15072 and 13498]

E. DEVENDAR, Sc. F., (Director Chemical)

नई दिल्ली, 2 जनवरी, 2008

का.आ. 63.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिये गये हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	संख्या (वैधता)	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या भाग/अनु वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	6694190	12-04-2008	मैसर्स अपोलो टायर्स लिमिटेड, पी ओ पराम्बरा, त्रिस्सर चलाकडी-680689	स्वचल वाहन-व्यवसायिक वाहनों के लिए वातिल टायर आड़ी और रेडियल प्लाई	आईएस 15636 : 2005
2.	6693693	12-04-2008	मैसर्स अपोलो टायर्स लिमिटेड, कालामसरी, एर्नाकुलम- 684104	स्वचल वाहन-व्यवसायिक वाहनों के लिए वातिल टायर आड़ी और रेडियल प्लाई	आईएस 15636 : 2005
3.	6701060	22-04-2008	मैसर्स मार्को इंडस्ट्री, इडावटी पी. ओ., इडुक्की, थोडुपुजा-685588	बोतलबंद पेय जल (बोतलबंद प्राकृतिक खनिज जल के अलावा)	आईएस 14543 : 2004
4.	6705270	07-05-2008	मैसर्स टॉम्स पाइप्स प्राइवेट लिमिटेड, XI/647ए, वझापल्ली पंचायत, वेरूर इंडस्ट्रियल एस्टेट, कोट्टायम, चंगनाचेरी-686106	सुवाहा जल आपूर्ति के लिए अनम्यकृत पीबीसी पाइप	आईएस 4985 : 2000
5.	6711669	23-05-2008	मैसर्स वजरा प्लास्टिक इंडस्ट्री, डवलपमेंट एरिया, एर्नाकुलम अंगामली-68357	सुवाहा जल आपूर्ति के लिए अनम्यकृत पीबीसी पाइप	आईएस 4985 : 2000
6.	6711770	24-05-2008	मैसर्स इरायिल प्रोडक्ट्स, इरायिल हाउस चेंगामनड पोस्ट, एर्नाकुलम अलुवा-683578	बोतलबंद पेय जल (बोतलबंद प्राकृतिक खनिज जल के अलावा)	आईएस 14543 : 2004
7.	6720973	25-06-2008	मैसर्स एज इंडस्ट्री लिमिटेड, रबड़ डिवाइजन, 1/1088, कौसापारा पोस्ट, पाल्लकड, कांजीकोड-678556	डिस्पोजेबल सर्जिकल रबड़ के दस्ताने	आईएस 13422 : 1992
8.	6721672	27-06-2008	मैसर्स श्री लक्ष्मी पॉलिमर्स, उडयाम्पेरूर पोस्ट, कोचीन, नडाक्कु-682307	सुवाहा जल आपूर्ति के लिए अनम्यकृत पीबीसी पाइप	आईएस 4985 : 2000
9.	6722472	28-06-2008	मैसर्स ओरिसन एक्वा प्रोसेसिंग कम्पनी, वातनाथरा पोस्ट, अम्बालूर, त्रिस्सर-680302	बोतलबंद पेय जल (बोतलबंद प्राकृतिक खनिज जल के अलावा)	आईएस 14543 : 2004
10.	6740878	20-08-2008	मैसर्स मेट्रो वुड इंडस्ट्रीज, के.पी. थर्ड 4461 एंड वाई थैरूर, पलायोड कन्नूर पोस्ट इडयान्नूर-570595	ब्लॉक बोर्ड्स	आईएस 1659 : 2004
11.	6740777	20-08-2008	मैसर्स मेट्रो वुड इंडस्ट्रीज, के.पी. थर्ड 4461 एंड वाई थैरूर, पलायोड कन्नूर पोस्ट इडयान्नूर-570595	सामान्य प्रयोजन के लिए प्लाईवुड	आईएस 303 : 1989

(1)	(2)	(3)	(4)	(5)	(6)
12.	6745585	09-09-2008	मैसर्स कीर्ति पीवीसी प्रॉडक्ट्स (प्रा.) लिमिटेड, वार्ड नं. वी, बिल्डिंग नं. 37ए, कुमारपुरम, अलीप्पई, हरिपद-690548	सुवाह्य जल आपूर्ति के लिए अनम्यकृत पीवीसी पाइप	आईएस 4985 : 2000
13.	6747993	16-09-2008	मैसर्स मेखा प्लाई एण्ड बोर्ड्स, VI 318 जी, असमनूर पोस्ट, ओडाकली एर्नाकुलम, पेरुम्बावूर-683549	ब्लॉक बोर्ड	आईएस 1659 : 2004
14.	6747892	16-09-2008	मैसर्स मेखा प्लाई एण्ड बोर्ड्स, VI 318 जी, असमनूर पोस्ट, ओडाकली एर्नाकुलम, पेरुम्बावूर-683549	सामान्य प्रयोजन के लिए प्लाईवुड	आईएस 303 : 1989
15.	6751479	26-09-2008	मैसर्स मेट्रो वुड इंडस्ट्रीज, के.पी. थर्ड 4461 एंड वार्ड थैरूर, पलायोड कन्नूर पोस्ट इडयानूर-570595	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सहतयुक्त पल्ले	आईएस 2202 (भाग 1) : 1999
16.	6751681	27-09-2008	मैसर्स पी.एस. प्लास्टिक्स, तनाल्लूर, पत्तस्वराम्बा के. पुरम पोस्ट मालापुरम, तिरूर-676307	कंड्यूट विद्युतरोधक सामग्री के लिए दृढ़ सांद्र कंड्यूट	आईएस 9537 (भाग 3) : 1983

[सं. : सी एम डी -1/13 : 11]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 2nd January, 2008

S.O. 63.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Validity	Name and address (factory) of the party	Product	IS No./Part/Sec/Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	6694190	12-04-2008	M/s. Apollo Tyres Limited Perambra P.O. Thrissur, Chalakudy, Pin-680 689	Automotive Vehicles— Pneumatic Tyres for Commercial Vehicles— Diagonal and Radial Ply	IS 15636 : 2005
2.	6693693	12-04-2008	M/s. Apollo Tyres Limited Kalamassery Ernakulam Pin-683 104	Automotive Vehicles— Pneumatic Tyres for Commercial Vehicles— Diagonal and Radial Ply	IS 15636 : 2005
3.	6701060	22-04-2008	M/s. Marco Industries Edavetty P.O. Idukki, Thodupuzha, Pin-685 588	Packaged Drinking Water (other than packaged Natural Mineral Water)	IS 14543 : 2004
4.	6705270	07-05-2008	M/s. Toms Pipes Private Limited, XI/647, A Vazhappally Panchayath Veroor Industrial Estate, Kottayam, Changanacherry Pin-686 106	Unplasticized PVC pipes for potable water supplies	IS 4985 : 2000

(1)	(2)	(3)	(4)	(5)	(6)
5.	6711669	23-05-2008	M/s. Vajra Plastic Industry Development Area, Ernakulam, Angamaly Pin-683 573	Unplasticized PVC pipes for potable water supplies	IS 4985 : 2000
6.	6711770	24-05-2008	M/s. Erayil Products Erayil House, Chengamanad P.O., Ernakulam, Aluva, Pin-683 578	Packaged Drinking Water (other than packaged natural mineral water)	IS 14543 : 2004
7.	6720973	25-06-2008	M/s. Age Industries Private Limited, Rubber Division, 1/1088, Kousapara, Menonpara P.O. Palakkad, Kanjikode, Pin-678 556	Disposable surgical rubber gloves	IS 13422 : 1992
8.	6721672	27-06-2008	M/s. Sree Lakshmi Polymers, Udayamperoor, P.O., Cochin, Nadakkavu, Pin-682 307	Unplasticized PVC pipes for potable water supplies	IS 4985 : 2000
9.	6722472	28-06-2008	M/s. Orison Aqua Processing Company, Vattanathra (P.O.), Amballur, Thrissur, Pin-680 302	Packaged Drinking Water (other than packaged natural mineral water)	IS 14543 : 2004
10.	6740878	20-08-2008	M/s. Metro Wood Industries, K.P. IIIRD 4461 and Y Theroor, Palayod, Kannur Post, Edayannur, Pin-670595	Block Boards	IS 1659 : 2004
11.	6740777	20-08-2008	M/s. Metro Wood Industries K.P. IIIRD 4461 and Y Theroor, Palayod, Kannur Post, Edayannur, Pin-670595	Plywood for general purposes	IS 303 : 1989
12.	6745585	09-09-2008	Ms. Keerthi PVC Products (Private) Limited, Ward No. V, Building No. 37A, Kumarapuram, Alleppey, Haripad, Pin-690 548	Unplasticized PVC pipes for potable water supplies	IS 4985 : 2000
13.	6747993	16-09-2008	M/s. Mekha Ply & Boards VI 318G, Asamannoor P.O., Odakkali, Ernakulam, Perumbavoor, Pin-683 549	Block Boards	IS 1659 : 2004
14.	6747892	16-09-2008	M/s. Mekha Ply & Boards VI 318G, Asamannoor P.O., Odakkali, Ernakulam, Perumbavoor, Pin-683 549	Plywood for general purposes	IS 303 : 1989
15.	6751479	26-09-2008	M/s. Metro Wood Industries K.P. IIIRD 4461 and Y Theroor, Palayod, Kannur Post, Edayannur, Pin-670595	Wooden Flush Door Shutters (Solid Core Types)- Plywood Face Panels	IS 2202 (Part 1) : 1999
16.	6751681	27-09-2008	M/s. P.S.K. Plastics Tanalur, Pattaruparamba, K. Puram P.O. Malappuram. Tirur, Pin-676 307	Rigid Plain Conduits of Insulating Maerial	IS 9537 (Part 3) : 1983

[No. CMD-1/13 : 11]

A. K. TALWAR, Dy. Director General (Marks)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 जनवरी, 2008

का. आ. 64.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1964 तारीख 15 मई 2006 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलायंस इंडस्ट्रीज लिमिटेड, की आन्ध्रप्रदेश में संरचनाओं से देश के विभिन्न हिस्सों में स्थित उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 13 जुलाई, 2006 को अथवा उससे पूर्व उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता की ओर से कोई आक्षेप प्राप्त नहीं हुआ है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगों से मुक्त, मैसर्स रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

नं.सं./ तहसील/ तालुका : बार्शी		जिला : सोलापुर		राज्य : महाराष्ट्र		
गैस का नाम	सर्वे / डिस्टा नंबर	आर.ओ.यु. अर्जित करने के लिए क्षेत्रफल				
		हेक्टेयर	एकर	सि-एकर		
1	2	3	4	5		
1) नारीकाडी	109	00	07	50		
2) नारी	377	00	24	90		
3) गोरगाळे	361/2	00	12	50		
	361/1	00	12	00		
	361/3	00	12	00		
4) मोईरी	53/1	00	22	60		
5) देवगाव	156/1	00	90	00		
	156/3	00	54	40		
	234/5	00	35	15		
नं.सं./ तहसील/ तालुका : परांडा		जिला : उस्मानाबाद		राज्य : महाराष्ट्र		
1) तिरसाव	325	00	11	00		
2) बीजा	634	00	00	50		
	635	00	01	00		
	641	00	24	90		

1	2	3	4	5
मंडल/ तहसील/ तालुका : करमाळा	जिला : सोलापूर	राज्य : महाराष्ट्र		
1) करंजे	201/5	00	21	80
	201/6	00	03	00
2) पोचरे	147/2	00	10	50
	147/3	00	10	50
	147/4	00	10	50
	147/5	00	10	50
	147/6	00	10	50
	147/8	00	10	50
	147/9	00	10	50
	147/11	00	21	50

[फा. सं. एल-14014/36/2004-जी. पी.]

एस. बी. मण्डल, अवर सचिव

PETROLEUM AND NATURAL GAS

New Delhi, the 7th January, 2008

S. O. 64.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas, number S.O. 1964 dated: 15th May, 2006 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas from the Structures in Andhra Pradesh of M/s. Reliance Industries Limited, by M/s. Reliance Gas Transportation Infrastructure Limited to consumers in various parts of the country;

And whereas the copies of the said Gazette notification were made available to the public on or before the 13th July, 2006;

And whereas no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of said Act, submitted report to the Government of India;

And whereas the Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Government of India vest on the date of publication of the declaration, in M/s Reliance Gas Transportation Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluka: Barsi		District: Solapur		State : Maharashtra	
Village	Survey/ Sub-division No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Nariwadi	109	00	07	50	
2) Nari	377	00	24	90	
3) Gormale	361/2	00	12	50	
	361/1	00	12	00	
	361/3	00	12	00	
4) Bhoire	53/1	00	22	60	
5) Devgaon	156/1	00	90	00	
	156/3	00	54	40	
	234/5	00	35	15	
Mandal/Tehsil/Taluka: Paranda		District: Osmanabad		State : Maharashtra	
1) Sirsav	325	00	11	00	
2) Donja	634	00	00	50	
	635	00	01	00	
	641	00	24	90	
Mandal/Tehsil/Taluka: Karmala		District: Solapur		State : Maharashtra	
1) Karanje	201/5	00	21	80	
	201/6	00	03	00	
2) Pothare	147/2	00	10	50	
	147/3	00	10	50	
	147/4	00	10	50	
	147/5	00	10	50	
	147/6	00	10	50	
	147/8	00	10	50	
	147/9	00	10	50	
	147/11	00	21	50	

[F. No. L-14014/36/2004-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 7 जनवरी, 2008

का. आ. 65.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायन्स इन्डस्ट्रीज लिमिटेड, की आन्ध्र प्रदेश में संरचनाओं से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इसीसे दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री नागानाथ मालगी, सक्षम प्राधिकारी, रिलायंस गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, 21-401/1, "सायी समर्थ निवास", पुराना डिग्री कालेज के सामने, हुमनाबाद, बीदर जिला, कर्नाटक राज्य - 585 330 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची				
तालुका: बीदर		राज्य: कर्नाटक		
जिला: बीदर		आरओयु केलिये आवश्यक क्षेत्रफल		
गांव का नाम	सर्वे नंबर / सब डिविजन नंबर	हेक्टेयर	एयर	सी एयर
1	2	3	4	5
1) होकरना खुर्द	94/1	0	25	60
	106/ए1*	0	01	50
	109/ई*	0	37	25
2) राजगीरा	179/पी2*	0	07	10
	180/ए1-पी3*	0	01	75
	180/ए1-पी2*	0	26	55
	180/एए3*	0	10	95
	181/ए*	0	12	50
	151/ई-पी1	0	11	00
	151/ई-पी2	0	04	20
	15/पी2	0	03	80
	14/3*	0	06	55
	13/2*	0	04	85
	13/3ए*	0	03	00
	13/4*	0	00	40
	12/2*	0	06	70
	22/2*	0	13	80
	51/ई*	0	04	15
	46/एए1-पी1*	0	15	60
	46/एए1-पी2*	0	22	20
	46/ए*	0	06	60
	44/3**	0	01	95
	44/4**	0	19	90
3) सिन्दोल	85/3**	0	00	55
	85/1	0	18	00
	31/3*	0	00	35
	33/1एए*	0	36	80
	37/एए*	0	24	60
	37/ए**	0	01	30
4) पातरपल्ली	47/ए-पी1	0	20	10

1	2	3	4	5
4) पातरपली (निरंतर)	47/बी	0	19	95
	16*	0	00	30
	38	0	02	00
	34/1**	0	04	95
	30/1	0	04	45
5) सेखापुर	63/एए*	0	06	15
6) बगदल	176/ईई*	0	03	00
	175/ए*	0	01	55
	175/ईई*	0	02	35
	174/4*	0	01	60
	174/6*	0	31	95
	174/8	0	16	60
	170/3+170/5*	0	72	80
	169/1ए-पी1*	0	25	95
	139/2*	0	12	85
	243/पी2*	0	16	20
	243/2*	0	39	00
	241/2*	0	03	85
	284/2*	0	00	10
	232/पी4**	0	14	00
	289/पी1*	0	66	90
	278/1*	0	01	15
	278/2-पी1	0	01	15
	278/2/2	0	01	15
	276/1ए1/पी1*	0	33	10
	303*	0	02	85
7) निडवंचा	36/एए*	0	00	50
	19/एए*	0	13	40
	191/1*	0	40	50
	191/2*	0	03	25
8) बेंबलगी	9/7*	0	01	40
	9/4*	0	03	10
	9/3*	0	08	60
	123/ईई*	0	03	45

1	2	3	4	5
8) बेंबळगी (निरंतर)	121/1/ए-पी2*	0	01	25
	121/2**	0	00	65
	9/5**	0	00	80
	9/8**	0	00	40
	9/6ए	0	09	15
	9/15*	0	03	10
9) रेकुळगी	85/ए*	0	00	50
	85/बी*	0	01	75
	231/बी*	0	22	70
	233/पी1*	0	09	00
	236/बी*	0	11	30
	335/बी**	0	02	65
	344/सी1*	0	03	25
	309/2बी*	0	01	10
	306/बी*	0	23	85
	306/जी*	0	53	80
10) होचकनळी	100/1*	0	02	30
	100/2**	0	05	35
	100/1एए-पी4	0	10	75
	101/2एए*	0	07	05
11) सीरकटनळी	58/3**	0	01	80
	58/2*	0	01	90
	58/1*	0	00	20
	24/5*	0	06	30
	2/4	0	10	30
	6/1/बी/1-पी4*	0	02	55
	175/ए*	0	18	75
	169/2	0	22	80
	168/3*	0	09	95
	168/2*	0	01	75
	170/1	0	19	20
12) रनंजोल खेणी	402*	0	08	95
तालुका : हुमनाबाद	जिला : बीदर	राज्य : कर्नाटक		
1) तालमडगि	39/1*	0	04	10

1	2	3	4	5
2) सीतलगेर	53/ए1**	0	20	15
	50/3*	0	00	15
	50/1बी*	0	00	10
	50/1ए*	0	00	10
	63/2*	0	29	00
	61/ए*	0	07	60
	61/बी1	0	03	60
	60/ए*	0	00	60
	60/बी2*	0	23	10
	59/1बी**	0	07	35
	59/2बी**	0	20	80
	83/6**	0	06	00
	94/ए2*	0	22	35
	94/ए3*	0	20	85
	87/बी1*	0	11	70
	87/बी2*	0	24	45
	86/ए*	0	01	60
	86/एए*	0	01	10
	86/बी*	0	05	20
	86/सी*	0	05	20
	91/2डी	0	12	75
	91/4**	0	16	25
3) नीम्बुर	41/ए	0	01	40
	118/1ए*	0	02	65
	118/1बी*	0	02	65
	115/सी*	0	25	20
	114**	0	00	35
	112/2ए**	0	09	80
	147/3*	0	00	10
	147/2*	0	16	30
	146/3ए*	0	09	55
	146/2ए*	0	02	60
	146/2डी*	0	02	60
4) अल्लुर	107/ए*	0	02	80

1	2	3	4	5
4) अल्लुर (निरंतर)	107/बी*	0	02	80
5) मदरगांव	30/बी/पी1+30/बी/पी2*	0	52	70
	30/बी2*	0	11	95
	28/2/1	0	40	60
	24*	0	06	30
	10/4*	0	33	00
	11/सी*	0	13	30
	16/2	0	04	50
	17*	0	15	00
	12/1*	0	38	70
	14/1बी*	0	22	90
	117/5*	0	02	70
	116/2*	0	07	00
	114/1**	0	07	75
	113/ए*	0	21	25
6) मलकापुरवाडी	6/1ए	0	36	30
	3/2ए*	0	20	35
	3/3*	0	11	45
	71/सी2*	0	06	55
	71/क*	0	06	55
	71/बी1/पी1*	0	01	85
	71/सी*	0	09	30
	68/ए1	0	46	50
	68/एफ	0	28	95
	68/जी/1ए	0	55	20
	61/2*	0	04	75
	61/3*	0	24	75
	61/4*	0	01	75
	61/5*	0	04	75
	62/1/एए	0	20	00
	62/2	0	30	00
	63/3*	0	01	20
	63/2*	0	24	40
	64/2*	0	00	20

1	2	3	4	5
6) भलकापुरवाडी (निरंतर)	64/3*	0	36	70
7) नन्दगांव	28/ए*	0	00	10
8) जलसिंघी	86/बी**	0	18	20
	86/1*	0	40	00
	86/9	0	31	50
	81/ई*	0	40	70
	88/सी*	0	01	90
	90**	0	11	70
	91/बी1*	0	09	00
	117/1/सी**	0	03	60
	110/बी*	0	06	00
	108/पी2	0	04	60
	157/बी*	0	59	85
	157/ए*	0	02	40
	226/ए*	0	27	20
	226/बी/पी1*	0	27	20
	229/ए/बी**	0	12	70
	229/बी*	0	24	85
	216/ए*	0	69	90
	217/बी*	0	06	10
	225/2	0	42	50
	225/ए-पी3	0	11	55
	227/ए	0	22	50
	230/बी	0	30	75
	230/सी	0	26	95
9) चीनकेरा	24/ए*	0	08	00
	12/2बी*	0	29	70
	15/3 *	0	03	50
	53/ए**	0	00	57
	49/डी *	0	10	50
	49/ई *	0	08	40
	49/जी *	0	09	60
	46/सी *	0	64	00
	45/ए/बी *	0	12	50

1	2	3	4	5
9) चीनकेरा (निरंतर)	45/ए *	0	01	40
	44/2 *	0	33	25
	43/1ए *	0	15	00
	43/2ए+2डी *	0	44	10
	67/1बी/पी1 *	0	12	00
	72/2 *	0	16	20
	71/2 *	0	29	80
10) सेढोळ	180/4**	0	10	20
	181/ए/2पी1**	0	10	95
	181/बी *	0	08	65
	181/ए1/1	0	04	15
11) कनकटा	15/ए	0	05	00
	21/पी2 *	0	09	60
	21/पी1+21/पी2 *	0	01	22
	38/ए**	0	18	55
	38/बी *	0	10	90
	38/सी *	0	21	00
	40/ए *	0	21	90
	40/बी *	0	00	35
	43	0	48	60
	57/बी *	0	37	35
	213/2**	0	00	73
	213/4**	0	02	05
	211/बी**	0	01	85
	210/बी**	0	02	15
	208/1 *	0	24	38
	208/3 *	0	10	00
	208/4 *	0	01	35
	208/5 *	0	01	10
	208/6**	0	00	85
	207/ए1	0	23	90
	206/ए *	0	00	80
	206/बी *	0	02	85
	205/ए *	0	01	65

1	2	3	4	5
11) कनकटा (निरंतर)	205/बी*	0	01	65
	204*	0	00	20
	203/बी*	0	01	80
	201/ए*	0	00	55
	201/बी*	0	00	55
	201/सी*	0	00	55
	197**	0	01	95
	207/4	0	16	00
12) हुणसगेरा	173/1/डी*	0	00	60
	198/4	0	25	90
	197/2**	0	17	20
	196/2/1	0	01	50
	193/ए*	0	01	00
	193/डी*	0	05	75

तालुका : बसवकाल्याण	जिला : बीदर	राज्य : कर्नाटक		
1) राजोळा	66	0	37	20
	65/ए*	0	16	55
	64/सी *	0	16	00
	64/डी1*	0	13	90
	63/ए	0	58	15
	63/डी1	0	10	75
	63/डी2	0	10	60
	63/बी	0	12	00
	56/2ए	0	03	75
	56/2बी*	0	03	75
	56/2सी*	0	03	75
	56/2**	0	22	00
	54/पी5	0	00	20
	54/पी6	0	14	10
	54/पी13	0	15	00
	25/पी7	0	25	00
	103/2बी*	0	09	95
	103/1बी1**	0	01	45

1	2	3	4	5
1) राजोळा (निरंतर)	181/ए1**	0	38	80
	181/बी	0	28	80
	178/ए*	0	25	80
	173/ए*	0	18	80
	192/ए*	0	81	05
	192/एए*	0	10	15
	195/यु**	0	01	40
	209*	0	69	30
	206	0	36	00
	204	0	09	00
	195/ई	0	08	00
2) किरा	125/2*	0	04	70
	129/बी**	0	19	25
	128/2ए*	0	06	25
	128/1*	0	10	60
	172/1ए*	0	02	30
	172/1सी*	0	02	55
	171/ए*	0	05	45
	171/बी*	0	18	60
	189*	0	10	30
	199/एए*	0	08	00
	199/एसी*	0	03	85
	209/1*	0	05	15
	206/ए*	0	03	50
	181/3*	0	28	05
	181/4*	0	32	70
	181/5	0	01	45
	126/ई*	0	08	45
3) यदलापूर	35/6*	0	11	90
	39/1*	0	07	10
	40/2*	0	03	20
4) नारायनपूर	108/ए*	0	10	55
	107/3*	0	01	50
	102/4*	0	05	80

1	2	3	4	5
4) नारायणपूर (निरंतर)	76/3बी	0	06	50
	76/3सी	0	14	10
	60/5*	0	12	80
	60/4	0	34	00
	59/4*	0	15	55
	59/3*	0	02	70
	57/ए1*	0	10	75
	57/ए2*	0	03	65
	57/बी*	0	13	90
	57/सी*	0	04	15
	100/सी**	0	05	50
	533	0	36	30
5) बसवकल्याण	34/5**	0	24	45
	32/डी *	0	49	50
	* 12/1+12/2	0	03	00
	6/ए/2 *	0	08	65
	6/सी*	0	35	65
6) बेट बालकुंदा	136/बी*	0	01	10
	136	0	30	15
7) प्रतापपुर	41/1-बी4 *	0	05	20
	41/2 *	0	21	30
	41/3बी *	0	03	40
	44/ए *	0	02	00
	45/ए*	0	55	95
	46/बी *	0	65	50
	47/2*	0	27	65
	14/बी*	0	10	55
	321/2 *	0	00	25
	321/2ए	0	09	30
	384/4	0	00	25
	335/1	0	20	00
	335/3	0	19	00
	331/ए	0	35	25
	330/ए*	0	00	60

1	2	3	4	5
7) प्रस्तापुर (निरंतर)	318/बी *	0	12	60
	283/सी *	0	32	80
	39/1 *	0	22	50

* का.आ. 2581 दिनांक 13.10.2004 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

** का.आ. 1617 दिनांक 25.04.2006 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

[फा. सं. एल-14014/9/2006-जी. पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 7th January, 2008

S. O. 65.—Whereas it appears to the Government of India that it is necessary in public interest that for transportation of natural gas from Structures in Andra Pradesh of M/s. Reliance Industries Limited to consumers in various part of the country a pipe line should be laid by M/s Reliance Gas Transportation Infrastructure Limited,

And whereas, it appears to the Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed here to;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of Right of the User therein for laying the pipeline under the land to **Shri Naganath Malagi, Competent Authority**, Reliance Gas Transportation Infrastructure Limited, House No: 21 – 401/1, “Sai Samarth Niwas”, Opp. Old Degree Collage, Humnabad – 585 330. District: Bidar. Karnataka State.

Schedule					
Taluka: Bidar		District : Bidar		State : Karnataka	
Village	Survey No. / Sub-Division No.	Area to be acquired for ROU			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Hokarna Khurd	94/1	0	25	60	
	106/A1*	0	01	50	
	109/E*	0	37	25	
2) Rajgira	179/P2*	0	07	10	
	180/A1-P3*	0	01	75	
	180/A1-P2*	0	26	55	
	180/AA3*	0	10	95	
	181/A*	0	12	50	
	151/E-P1	0	11	00	
	151/E-P2	0	04	20	
	15/P2	0	03	80	
	14/3*	0	06	55	
	13/2*	0	04	85	
	13/3A*	0	03	00	
	13/4*	0	00	40	
	12/2 *	0	06	70	
	22/2*	0	13	80	
	51/E*	0	04	15	
	46/AA1-P1*	0	15	60	
	46/AA1-P2 *	0	22	20	
	46/A *	0	06	60	
	44/3**	0	01	95	
	44/4**	0	19	90	
3) Sindol	85/3**	0	00	55	
	85/1	0	18	00	
	31/3*	0	00	35	
	33/1AA*	0	36	80	
	37/AA*	0	24	60	
	37/A**	0	01	30	
4) Patharapalli	47/A-P1	0	20	10	
	47/B	0	19	95	
	16*	0	00	30	
	38	0	02	00	
	34/1**	0	04	95	

1	2	3	4	5
4) Patharapalli (Conti...)	30/1	0	04	45
5) Shekapur	63/AA*	0	06	15
6) Bagdal	176/EE*	0	03	00
	175/A*	0	01	55
	175/EE*	0	02	35
	174/4*	0	01	60
	174/6*	0	31	95
	174/8	0	16	60
	170/3+170/5 *	0	72	80
	169/1A-P1*	0	25	95
	139/2*	0	12	85
	243/P2*	0	16	20
	243/2 *	0	39	00
	241/2*	0	03	85
	284/2*	0	00	10
	232/P4**	0	14	00
	289/P1 *	0	66	90
	278/1*	0	01	15
	278/2-P1	0	01	15
	278/2/2	0	01	15
	276/1A1/P1*	0	33	10
	303*	0	02	85
7) Niduvancha	36/AA*	0	00	50
	19/AA*	0	13	40
	191/1*	0	40	50
	191/2*	0	03	25
8) Bembalgi	9/7*	0	01	40
	9/4*	0	03	10
	9/3*	0	08	60
	123/EE *	0	03	45
	121/1/A-P2*	0	01	25
	121/2**	0	00	65
	9/5**	0	00	80
	9/8**	0	00	40
	9/6A	0	09	15
	9/15*	0	03	10
9) Rekulgi	85/A*	0	00	50
	85/B*	0	01	75

1	2	3	4	5
9) Rekulgi (Conti...)	231/B *	0	22	70
	233/P1*	0	09	00
	236/B*	0	11	30
	335/B**	0	02	65
	344/C1*	0	03	25
	309/2B*	0	01	10
	306/B*	0	23	85
	306/G*	0	53	80
10) Hochakanalli	100/1*	0	02	30
	100/2**	0	05	35
	100/1AA-P4	0	10	75
	101/2AA*	0	07	05
11) Sirkatnalli	58/3**	0	01	80
	58/2*	0	01	90
	58/1*	0	00	20
	24/5*	0	06	30
	2/4	0	10	30
	6/1/B/1-P4*	0	02	55
	175/A*	0	18	75
	169/2	0	22	80
	168/3*	0	09	95
	168/2*	0	01	75
	170/1	0	19	20
12) Ranjol Kheni	402*	0	08	95

Taluka: Humnabad	District : Bidar	State : Karnataka
1) Talmadagi	39/1*	0 04 10
2) Sitalgera	53/A1**	0 20 15
	50/3*	0 00 15
	50/1B*	0 00 10
	50/1A*	0 00 10
	63/2 *	0 29 00
	61/A*	0 07 60
	61/B1	0 03 60
	60/A*	0 00 60
	60/B2*	0 23 10
	59/1B**	0 07 35

1	2	3	4	5
2) Sitalgera (Conti...)	59/2B**	0	20	80
	83/6**	0	06	00
	94/A2*	0	22	35
	94/A3*	0	20	85
	87/B1*	0	11	70
	87/B2*	0	24	45
	86/A*	0	01	60
	86/AA*	0	01	10
	86/B*	0	05	20
	86/C*	0	05	20
	91/2D	0	12	75
	91/4**	0	16	25
3) Nirnbur	41/A	0	01	40
	118/1A*	0	02	65
	118/1B*	0	02	65
	115/C*	0	25	20
	114**	0	00	35
	112/2A**	0	09	80
	147/3*	0	00	10
	147/2*	0	16	30
	146/3A*	0	09	55
	146/2A*	0	02	60
	146/2D*	0	02	60
4) Allur	107/A*	0	02	80
	107/B*	0	02	80
5) Madargaon	30/B1/P1+30/B1/P2*	0	52	70
	30/B2*	0	11	95
	28/2/1	0	40	60
	24*	0	06	30
	10/4*	0	33	00
	11/C*	0	13	30
	12/1*	0	38	70
	16/2	0	04	50
	17*	0	15	00
	14/1B*	0	22	90
	117/5*	0	02	70
	116/2*	0	07	00
	114/1**	0	07	75

	1	2	3	4	5
5) Madargaon (Conti...)		113/A*	0	21	25
6) Malkapurwadi		6/1A	0	36	30
		3/2A*	0	20	35
		3/3*	0	11	45
		71/C2*	0	06	55
		71/K*	0	06	55
		71/B1/P1*	0	01	85
		71/C *	0	09	30
		68/A1	0	46	50
		68/F	0	28	95
		68/G/1A	0	55	20
		61/2*	0	04	75
		61/3*	0	24	75
		61/4*	0	01	75
		61/5*	0	04	75
		62/1/AA	0	20	00
		62/2	0	30	00
		63/3*	0	01	20
		63/2*	0	24	40
		64/2*	0	00	20
		64/3*	0	36	70
7) Nandgaon		28/AA*	0	00	10
8) Jalasingi		86/B**	0	18	20
		86/1*	0	40	00
		86/9	0	31	50
		81/E*	0	40	70
		88/C*	0	01	90
		90**	0	11	70
		91/B1 *	0	09	00
		117/1/C**	0	03	60
		110/B*	0	06	00
		108/P2 *	0	04	60
		157/B *	0	59	85
		157/A*	0	02	40
		226/A*	0	27	20
		226/B/P1*	0	27	20
		229/A/B**	0	12	70
		229/B*	0	24	85

1	2	3	4	5
8) Jalasingi (Conti...)	216/A*	0	69	90
	217B*	0	06	10
	225/2	0	42	50
	225/A-P3	0	11	55
	227/A	0	22	50
	230/B	0	30	75
	230/C	0	26	95
9) Chinkera	24/A*	0	08	00
	12/2B*	0	29	70
	15/3 *	0	03	50
	53/A**	0	00	57
	49/D *	0	10	50
	49/E *	0	08	40
	49/G *	0	09	60
	46/C*	0	64	00
	45/A*	0	01	40
	45/A/B *	0	12	50
	44/2*	0	33	25
	43/1A *	0	15	00
	43/2A+2D *	0	44	10
	67/1B/P1 *	0	12	00
	72/2*	0	16	20
	71/2*	0	29	80
10) Sedol	180/4**	0	10	20
	181/A/2P1**	0	10	95
	181/B*	0	08	65
	181/A1/1	0	04	15
11) Kankatta	15/A	0	05	00
	21/P2 *	0	09	60
	21/P1+21/P2*	0	01	22
	38/A**	0	18	55
	38/B *	0	10	90
	38/C *	0	21	00
	40/A *	0	21	90
	40/B*	0	00	35
	43	0	48	60
	57/B *	0	37	35
	213/2**	0	00	73

1	2	3	4	5
11) Kankatta (Conti...)	213/4**	0	02	05
	211/B**	0	01	85
	210/B**	0	02	15
	208/1*	0	24	38
	208/3*	0	10	00
	208/4*	0	01	35
	208/5*	0	01	10
	208/6**	0	00	85
	207/A1	0	12	00
	206/A*	0	00	80
	206/B*	0	02	85
	205/A*	0	01	65
	205/B*	0	01	65
	204*	0	00	20
	203/B*	0	01	80
	201/A*	0	00	55
	201/B*	0	00	55
	201/C*	0	00	55
	197**	0	01	95
	207/4	0	16	00
12) Hunsgera	173/1/D*	0	00	60
	198/4	0	25	90
	197/2**	0	17	20
	196/2/1	0	01	50
	193/A*	0	01	00
	193/D*	0	05	75

Taluka: Baswakalyan	District : Bidar	State : Karnataka
1) Rajola	66	0 37 20
	65/A*	0 16 55
	64/C *	0 16 00
	64/D1 *	0 13 90
	63/A	0 58 15
	63/D1	0 10 75
	63/D2	0 10 60
	63/B	0 12 00
	56/2A	0 03 75

1	2	3	4	5
1) Rajola (Conti...)	56/2B*	0	03	75
	56/2C*	0	03	75
	56/2**	0	22	00
	54/P5	0	00	20
	54/P6	0	14	10
	54/P13	0	15	00
	25/P7	0	25	00
	103/2B*	0	09	95
	103/1B1**	0	01	45
	181/A1**	0	38	80
	181/B	0	28	80
	178/A*	0	25	80
	173/A*	0	18	80
	192/A*	0	81	05
	192/EE*	0	10	15
	195/U**	0	01	40
	209*	0	69	30
	206	0	36	00
	204	0	09	00
	195/E	0	08	00
2) Kitta	125/2*	0	04	70
	129/B**	0	19	25
	128/2A*	0	06	25
	128/1*	0	10	60
	172/1A*	0	02	30
	172/1C*	0	02	55
	171/A*	0	05	45
	171/B*	0	18	60
	189*	0	10	30
	199/AA*	0	08	00
	199/AC*	0	03	85
	209/1*	0	05	15
	206/A*	0	03	50
	181/3 *	0	28	05
	181/4 *	0	32	70
	181/5	0	01	45
	126/E *	0	08	45
3) Yadlapur	35/6*	0	11	90

1	2	3	4	5
3) Yadlapur (Conti...)	39/1*	0	07	10
	40/2*	0	03	20
4) Narayanpur	108/A*	0	10	55
	107/3*	0	01	50
	102/4*	0	05	80
	76/3B	0	06	50
	76/3C	0	14	10
	60/5*	0	12	80
	60/4	0	34	00
	59/4*	0	15	55
	59/3*	0	02	70
	57/A1*	0	10	75
	57/A2*	0	03	65
	57/B*	0	13	90
	57/C*	0	04	15
	100/C**	0	05	50
	533	0	36	30
5) Basavkalyan	34/5**	0	24	45
	32/D *	0	49	50
	* 12/1+12/2	0	03	00
	6/A/2 *	0	08	65
	6/C*	0	35	65
6) Bet Balkunda	136/B*	0	01	10
	136	0	30	15
7) Pratapur	41/1-P4 *	0	05	20
	41/2*	0	21	30
	41/3B *	0	03	40
	44/A *	0	02	00
	45/A*	0	55	95
	46/B *	0	65	50
	47/2*	0	27	65
	14/B*	0	10	55
	321/2 *	0	00	25
	321/2A	0	09	30
	384/4	0	00	25
	335/1	0	20	00
	335/3	0	19	00
	331/A	0	35	25

1	2	3	4	5
7) Pratapur (Conti..)	330/A*	0	00	60
	318/B**	0	12	60
	283/C*	0	32	80
	39/1*	0	22	50

* Additional area to 3(1) Notification S.O. 2581 dated 13-10-2004

** Additional area to 3(1) Notification S.O. 1617 dated 25-04-2006

[F. No. L-14014/9/2006-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 7 जनवरी, 2008

का. आ. 66.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायन्स इन्डस्ट्रीज लिमिटेड, की आन्ध्र प्रदेश में संरचनाओं से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री डी.एस. धोत्रे, सक्षम प्राधिकारी, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, 12, सिविल लाईन्स, होटल 'सिप्स एन बाईट्स' के नीचे, विकास नगर, सोलापूर-413003, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तहसील/ तालुका: निलंगा		जिला : लातूर	राज्य : महाराष्ट्र		
गांव का नाम	सर्वे / हिस्सा नंबर	आर.ओ.यु. अर्जित करने के लिए क्षेत्रफल			
		हेक्टेयर	एकर	सि-एकर	
1	2	3	4	5	
1) ममदापुर	111**	00	05	90	
	294**	00	05	30	
	298**	00	04	60	
	230**	00	94	70	
	284**	00	01	30	
	293**	00	04	40	
	284*	00	01	00	
	285*	00	01	00	
2) हलाळी	158**	00	04	20	
	160**	00	03	00	
	113**	00	01	00	
	115**	00	01	40	
	125**	00	01	50	
	121**	00	01	30	
	122**	00	09	70	
	6**	00	11	70	
	10**	00	08	60	
	318**	00	06	00	
	309**	00	01	90	
	8*	00	01	50	
3) विरगनहळी	121**	00	01	80	
	58**	00	77	40	
	33**	00	03	40	
	23**	00	02	50	
	42*	00	03	80	
4) नेलवाड	25/ब/5**	00	05	80	
	18/अ**	00	05	00	
	14**	00	07	80	
	23/ब**	00	01	60	
	24/अ**	00	07	50	
5) औंदा	188**	00	09	10	
	211**	00	02	40	
	273**	00	12	00	
	243**	00	03	20	
	276**	00	01	00	
	314**	00	02	20	
	321**	00	10	00	
	324**	00	08	00	

1	2	3	4	5
6) शिराछेण	13**	00	02	20
	269**	00	02	00
	265**	00	03	40
	257**	00	11	70
	219**	00	03	00
	218**	00	03	00
	258*	00	01	00
7) हसोरी (बु)	78/अ**	00	02	10
	79*	00	02	00
8) कासार-सिरसी	162/इ*	00	37	90
9) हतरगा (हलसी)	23/क**	00	11	50
	24/ई**	00	05	60
	5**	00	06	40
	4/ग**	00	02	50
	4/क**	00	01	60
	4/उ**	00	01	60
	2**	00	01	60
	123/आ**	00	05	60
	36/उ**	00	03	80
	24/अ*	00	03	10
10) हलसी (हतरगा)	55/अ**	00	01	00
	56**	00	03	60
	57**	00	01	50
	5/क**	00	02	20
	5/अ**	00	03	80
	105**	00	02	50
	97**	00	04	80
	82/अ**	00	05	50
11) हंदाळ	16/अ**	00	01	40
	16/क**	00	03	70
	16/इ**	00	01	80
	25/ब**	00	05	00
12) डोंगरगांव (हल्लीखेड)	16/अ**	00	17	59
मंडल/ तहसील/ तालुका : उभरगा	जिला : उस्मानाबाद	राज्य : महाराष्ट्र		
1) चाकुर	38/7**	00	31	00
	154/1/2**	00	04	50
	155/4/2**	00	14	05
	159/1/2**	00	01	80
	161/1/2**	00	02	00
	161/1/3**	00	07	60
	163/7**	00	02	00
	132/6**	00	06	80
	132/5**	00	03	80

1	2	3	4	5
1) चाकुर (भिरंतर)	82/3**	00	18	50
	34/1/2**	00	02	40
	34/1/3**	00	01	40
	34/1/4**	00	01	40
	33/2/1**	00	56	50
	82/५*	00	38	00
	139/५*	00	05	90
	39/3*	00	09	50
2) बोरी	112**	00	05	00
3) नारंगवाडी	9**	00	03	40
	10/4*	00	01	60
मंडल/ तहसील/ तालुका: लोहारा जिला : उस्मानाबाद राज्य : महाराष्ट्र				
1) राजेगांव	79/5**	00	02	97
	79/4**	00	02	97
2) चिंचोळीरे	15**	00	02	00
3) सास्तुर	34/4*	00	33	80
	41*	00	06	80
	50/1*	00	08	00
4) भातागळी	47*	00	00	90
5) कानेगाव	20/3**	00	04	50
	22*	00	07	50
	21/2**	00	25	00
	38/2/अ**	00	12	00
	49/1**	00	02	10
	37/3/2**	00	03	70
	302/1*	00	00	60
6) अरनी	3/2**	00	19	50
	14**	00	00	60
	15/2**	00	35	70
	27/3/2**	00	03	40
	27/1/1**	00	49	20
	28/3**	00	14	90
	77/4**	00	45	40
मंडल/ तहसील/ तालुका: उस्मानाबाद जिला : उस्मानाबाद राज्य : महाराष्ट्र				
1) भंडारी	75/1**	00	05	00
	72/5**	00	02	00
	79*	00	02	00
2) महादेववाडी	190**	00	08	00
3) विठ्ठलवाडी	198**	00	04	00
	207**	00	05	00
	218**	00	01	20
	219**	00	01	20
	248**	00	04	30

1	2	3	4	5
3) बिड़लवाडी (निरतर)	192**	00	03	40
	102*	00	14	00
	221**	00	00	40
	191*	00	19	00
4) आनसुई	53**	00	03	70
	55**	00	02	70
	62**	00	00	70
	74**	00	00	40
	81**	00	00	50
	212**	00	02	00
	213**	00	02	00
5) पळसवाडी	146**	00	01	00
6) वडगांव	90**	00	03	77
	457**	00	17	40
7) गावसुद	7**	00	15	00
	9**	00	15	70
	37**	00	06	00
	93**	00	33	70
8) उस्मानाबाद (ग्रामीण)	468/1/1**	00	02	80
	625/1**	00	06	10
	627/1**	00	07	10
	628**	00	06	10
	635/1**	00	77	90
	668/4*	00	25	60
	637/2**	00	18	00
	616/1**	00	06	20
	665/3**	00	03	00
	669/1**	00	09	00
	626/15*	00	10	65
	626/3**	00	00	50
	616/12**	00	01	65
	616*	00	13	30
	619*	00	06	30
	620/3**	00	02	15
	620/6**	00	06	10
	635/2*	00	60	30
9) आंबेहोळ	37**	00	03	80
10) खानापूर	199*	00	39	10
11) कौडगाव	222**	00	02	50
	231/2**	00	04	00
	234**	00	04	00
	235**	00	05	60
	237**	00	01	55

1	2	3	4	5
11) कौडगाव (निरंतर)	240**	00	02	00
	239*	00	01	50
12) आंबेजवळो	253**	00	81	07
	245*	00	16	40
	246*	00	07	50

* नई अधिसूचना.

** का.आ. 2582, दिनांक: 13/10/2004 और का.आ. 584 दिनांक: 08/02/2006 और का.आ. 108(अ) दिनांक: 31/01/2007

द्वारा पी.एच.पी. अक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर.

[फा. सं. एल-14014/4/2006-जी. पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 7th January, 2008

S. O. 66.—Whereas it appears to the Government of India that it is necessary in public interest that for transportation of natural gas from Structures in Andra Pradesh of M/s. Reliance Industries Limited to consumers in various part of the country a pipe line should be laid by M/s Reliance Gas Transportation Infrastructure Limited,

And whereas, it appears to the Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of Right of User therein for laying the pipeline under the land to Shri D.S. Dhotre, Competent Authority, M /s Reliance Gas Transportation Infrastructure Limited, 12, Civil Lines, Below Hotel 'Sips N Bites', Vikas Nagar, Solapur-413003, Maharashtra State.

Schedule

Mandal/Tehsil/Taluka: Nilanga District: Latur State : Maharashtra				
Village	Survey/ Sub-division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1) Mamdapur	111**	00	05	90
	294**	00	05	30
	298**	00	04	60
	230**	00	04	70
	284**	00	01	30
	293**	00	04	40
	264*	00	01	00
	265*	00	01	00
2) Halali	158**	00	04	20
	160**	00	03	00
	113**	00	01	00
	115**	00	01	40
	125**	00	01	50
	121**	00	01	30
	122**	00	09	70
	8**	00	11	70
	10**	00	08	60
	318**	00	06	00
	309**	00	01	90
	8*	00	01	50
3) Mirganhaill	121**	00	01	60
	58**	00	77	40
	33**	00	03	40
	23**	00	02	50
	42*	00	03	60
4) Nelwad	25/B/5**	00	05	80
	18/A**	00	05	00
	14**	00	07	80
	23/B**	00	01	60
	24/A**	00	07	50
5) Aundha	168**	00	09	10
	211**	00	02	40
	273**	00	12	00
	243**	00	03	20
	276**	00	01	00
	314**	00	02	20
	321**	00	10	00
	324**	00	08	00

1	2	3	4	5
6) Shiradhon	13**	00	02	20
	269**	00	02	00
	265**	00	03	40
	257**	00	11	70
	219**	00	03	00
	218**	00	03	00
	258*	00	01	00
7) Hasor(Bk)	78/A**	00	02	10
	79*	00	02	00
8) Kasar Sirsi	162/E*	00	37	90
9) Hatarga(Halsi)	23/C**	00	11	50
	24/Ee**	00	05	60
	5**	00	06	40
	4/G**	00	02	50
	4/C**	00	01	60
	4/U**	00	01	60
	2**	00	01	60
	123/Aa*	00	05	60
	36/U**	00	03	80
	24/A*	00	03	10
10) Hals(Hatarga)	55/A**	00	01	00
	56**	00	03	60
	57**	00	01	50
	5/C**	00	02	20
	5/A**	00	03	60
	105**	00	02	50
	97**	00	04	80
	82/A**	00	05	50
11) Handral	16/A**	00	01	40
	18/C**	00	03	70
	16/D**	00	01	80
	25/B**	00	05	00
12) Dongargaon(Halkhed)	16/A**	00	17	59
Mandal/Tehsil/Taluka: Umarga District: Osmanabad State : Maharashtra				
1) Chakur	38/7**	00	31	00
	154/1/2**	00	04	50
	155/4/2**	00	14	05
	159/1/2**	00	01	80
	161/1/2**	00	02	00
	181/1/3**	00	07	60
	163/7**	00	02	00
	132/8**	00	08	80
	132/5**	00	03	80

1	2	3	4	5
1) Chakur (Cont'd)	82/3**	00	18	50
	34/1/2**	00	02	40
	34/1/3**	00	01	40
	34/1/4**	00	01	40
	33/2/1**	00	56	50
	82/P*	00	38	00
	139/P*	00	05	90
	39/3*	00	09	50
2) Bori	112**	00	05	00
3) Narangwadi	9**	00	03	40
	10/4*	00	01	60
Mandal/Tehsil/Taluka: Lohara District: Osmanabad State : Maharashtra				
1) Rajegaon	79/5**	00	02	97
	79/4**	00	02	97
2) ChincholiRebe	15*	00	02	00
3) Sastur	34/4*	00	33	80
	41*	00	06	80
	50/1*	00	08	00
4) Bhatagali	47*	00	00	90
5) Kanegaon	20/3**	00	04	50
	22*	00	07	50
	21/2**	00	25	00
	38/2/A**	00	12	00
	49/1**	00	02	10
	37/3/2**	00	03	70
	302/1*	00	00	60
6) Ami	3/2**	00	19	50
	14**	00	00	60
	15/2**	00	35	70
	27/3/2**	00	03	40
	27/1/1**	00	49	20
	28/3**	00	14	90
	77/4**	00	45	40
Mandal/Tehsil/Taluka: Osmanabad District: Osmanabad State : Maharashtra				
1) Bhandari	75/1**	00	05	00
	72/5**	00	02	00
	79*	00	02	00
2) Mahadevwadi	190**	00	08	00
3) Vitthalwadi	198**	00	04	00
	207**	00	05	00
	218**	00	01	20
	219**	00	01	20
	248**	00	04	30

1	2	3	4	5
3) Vitthalwadi (Cont'd)	192**	00	03	40
	102*	00	14	00
	221**	00	00	40
	191*	00	19	00
4) Ansurda	53**	00	03	70
	55**	00	02	70
	62**	00	00	70
	74**	00	00	40
	81**	00	00	50
	212**	00	02	00
	213**	00	02	00
5) Palaswadi	146**	00	01	00
6) Wadgaon	90**	00	03	77
	457**	00	17	40
7) Gaosud	7**	00	15	00
	9**	00	15	70
	37**	00	06	00
	93**	00	33	70
8) Osmanabad(Rural)	466/1/1**	00	02	80
	625/1**	00	06	10
	627/1**	00	07	10
	628**	00	06	10
	635/1**	00	77	90
	668/4*	00	25	60
	637/2**	00	18	00
	616/P*	00	06	20
	665/3**	00	03	00
	669/1**	00	09	00
	626/15*	00	10	65
	626/3**	00	00	50
	616/12**	00	01	65
	616*	00	13	30
	619*	00	06	30
	620/3**	00	02	15
	620/6**	00	06	10
	635/2*	00	60	30
9) Ambhol	37**	00	03	80
10) Khanapur	199*	00	39	10
11) Kaudgaon	222**	00	02	50
	231/2**	00	04	00
	234**	00	04	00
	235**	00	05	60
	237**	00	01	55

1	2	3	4	5
11) Kaudgaon (Cont'd)	240**	00	02	00
	239*	00	01	50
12) Ambejawa	253**	00	81	07
	245*	00	16	40
	246*	00	07	50

* Fresh Notification

** Survey Nos. Notified vide S.O. 2582 dated 13/10/2004 and S.O. 584 dated 08/02/2006 and u/s 3(1) S.O. 108(E) dated 31/01/2007 of PMP, Act 1962. Additional areas.

[F. No. L-14014/4/2006-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 7 जनवरी, 2008

का. आ. 67.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि, मैसर्स रिलायन्स इन्डस्ट्रीज लिमिटेड, की आन्ध्र प्रदेश में संरचनाओं से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाडा-हैदराबाद-उरान-अहमदाबाद गैस पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है; इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री वी.आइ.गोहिल , सक्षम प्राधिकारी, मैसर्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पाइपलाइन परियोजना, आनंद महल अपार्टमेंट, आनंद महल रोड, अडाजन , सूरत - 395009, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : हंसोट	जिला : भुव	राज्य : गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	अर्जित भूमि के लिए क्षेत्रफल		
		हेक्टेयर	एकर	चौ.मी
1	2	3	4	5
1. मांगरोल	143/प	00	07	20
2. पर्वत	418/अ	00	40	47
	273*	00	10	12
3. उत्राज	402	00	41	10
	400	00	48	60
	396	00	40	50
	411*	00	34	51
	409	00	47	72

1	2	3	4	5
4. शहेरा	338	00	02	40
	337	00	00	22
	327*	00	00	78
	316*	00	00	88
	65*	00	01	60
	285*	00	05	01
	279*	00	05	59
	296*	00	10	55
	286*	00	31	34
	57*	00	02	52
	42*	00	05	06
	281*	00	14	50
5. ओभा	423/अ*	00	04	76
	482*	00	02	37
6. कलम	204*	00	14	58
	231/अ*	00	15	24
	231/ब*	00	02	33
	223*	00	01	59
	167/अ*	00	08	96
	169*	00	07	31
	216*	00	02	70

तहसील : भरुच	जिला : भरुच	राज्य : गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	आर.ओ.पू.अ.विन.कानून के लिए क्षेत्रफल		
		हेक्टेयर	रुप्यर	चौ.मी
1	2	3	4	5
1. भाडभुत	386*	00	07	10

तहसील : वागरा	जिला : भरुच	राज्य : गुजरात		
गांव का नाम	सर्वे नंबर / ब्लॉक नं	आर.ओ.पू.अ.विन.कानून के लिए क्षेत्रफल		
		हेक्टेयर	रुप्यर	चौ.मी
1	2	3	4	5
1. आंकोट	81	00	23	86

* का.आ. 434 दिनांक 04.02.2005 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

[फा. सं. एल-14014/54/2004-जी. पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 7th January, 2008

S. O. 67.—Whereas it appears to the Government of India that it is necessary in public interest that for transportation of natural gas from Structures in Andhra Pradesh of M/s. Reliance Industries Limited to consumers in various part of the country Kakinada-Hyderabad-Uran-Ahmedabad Gas pipe line should be laid by M/s Reliance Gas Transportation Infrastructure Limited,

And whereas it appears to the Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying of the pipeline under the land to Shri V.I.Gohil, Competent Authority, M/s Reliance Gas Transportation Infrastructure Limited, Pipeline Project, Anand Mahal Apartment, Anand Mahal Road, Adajan, Surat – 395009, Gujarat.

SCHEDULE

Tehsil : Hansot	District : Bharuch	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for RoU		
		Hectare	Are	Sq.m
1	2	3	4	5
1.Mangrol	143/P	00	07	20
2.Parvat	418/A	00	40	47
	273*	00	10	12
3.Utraj	402	00	41	10
	400	00	48	60
	396	00	40	50
	411*	00	34	51
	409	00	47	72
4.Shahera	338	00	02	40
	337	00	00	22
	327*	00	00	78
	316*	00	00	88
	65*	00	01	60
	285*	00	05	01
	279*	00	05	59
	296*	00	10	55
	286*	00	31	34
	57*	00	02	52
	42*	00	05	06
	281*	00	14	50
5.Obha	423/A*	00	04	76
	482*	00	02	37
6.Kalam	204*	00	14	58
	231/A*	00	15	24
	231/B*	00	02	33
	223*	00	01	59
	167/A*	00	08	96
	169*	00	07	31
	216*	00	02	70

Tehsil : Bharuch	District : Bharuch	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for RoU		
		Hectare	Are	Sq.m
1	2	3	4	5
1.Bhadbhut	386*	00	07	10

Tehsil : Vagra	District : Bharuch	State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for RoU		
		Hectare	Are	Sq.m
1	2	3	4	5
1.Ankot	81	00	23	86

* Additional Area to 3(1) Notification S. O 434 Date 04.02.2005

[F. No. L-14014/54/2004-G.P.]

S. B. MANDAL, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 68.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 44/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-12012/115/1999-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 13th December, 2007

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Bank of India, and their workman, received by the Central Government on 13-12-2007.

[No. L-12012/115/1999-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
(No. 2) AT DHANBAD**

PRESENT: SHRI NAGENDRA KUMAR, Presiding Officer

In the matter of an Industrial Dispute under Section 10
(1)(d) of the I. D. Act., 1947

Reference No. 44 of 2002**PARTIES:**

Employers in relation to the management of Bank of India
and their workman.

APPEARANCES:

On behalf of the workman	: Mr. S.C. Gaur, Advocate.
On behalf of the employers	: Mr. D.K. Verma, Advocate.
State	: Jharkhand
Industry	: Banking

Dhanbad, the 27th November, 2007

AWARD

The Government of India, Ministry of Labour & Employment in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for

adjudication vide their Order No. L-12012/115/99-IR (B-II) dated, 28th May, 2002.

SCHEDULE

“Whether the action of the management of Bank of India to terminate/discontinue the services of Smt. Asha Harin, Safai Karamchhari w.e.f. 23-2-1998 is legal and justified? If not, what relief is the concerned workman entitled to?”

2. In this case both the parties appeared through their authorised representative and filed their respective Written Statement and documents. The case then proceeded along its course. In course of evidence of the workman the representative of the workman by filing a petition admitted that the concerned workman died and prayed for the file substitution petition. Thereafter adjournment was granted to the workmanside but no substitution petition for impleading the legal heirs of the deceased workman as party was filed.

As the legal heirs of the deceased workman failed to file the substitution petition, there was no scope left with the Tribunal to proceed with further hearing of the instant case. Under such circumstances, a ‘No dispute’ Award is passed in this case presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 69.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या-2 (धनबाद) के पंचाट (संदर्भ संख्या 114/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/146/2005-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 69.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 114/2005) of the Central Government Industrial Tribunal/Labour Court, No. 2, (Dhanbad) now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.C.C.L, and their workman, which was received by the Central Government on 13-12-2007.

[No. L-20012/146/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
(No. 2) AT DHANBAD**

PRESENT: SHRI NAGENDRA KUMAR, Presiding Officer

In the the matter of an Industrial Dispute under Section 10 (1) (d) of the I. D. Act., 1947.

Reference No. 114 of 2005

PARTIES:

Employers in relation to the management of B.C.C.L. W.J. Area and their workman.

APPEARANCES:

On behalf of the workman : None
On behalf of the employers : Mr. U.N. Lal,
Advocate.
State : Jharkhand
Industry : Coal.

Dhanbad, the 26th November, 2007

AWARD

The Government of India, Ministry of Labour & Employment in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/146/2005-IR (C-1) dated, the 19th December, 2005.

SCHEDULE

"Whether the action of management of 20/21 Pits Murlidih Colliery, not to provide employment to Sri Parmeshwar Gope as a dependent son of Radhia Gopin is just, fair, and legal? If not, to what relief is the said dependent entitled to?"

2. In this case neither the concerned workman nor his representative appeared. Management side, however, made appearance through their authorised representative. It transpires from the record that Regd. Notice and show-cause notice consecutively were issued to the concerned workman/sponsoring union. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Statement of claim complete with documents, list of reliances and witnesses within 15 days from the date of receipt of the order of reference by them. The concerned workman/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case. In the circumstances, there is no reason to drag on the case suo moto for days together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 70.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल.

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, संख्या 2, (धनबाद) के पंचाट (संदर्भ संख्या 111/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/76/2005-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 70.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 111/2005) of the Central Government Industrial Tribunal/Labour Court, No. 2, (Dhanbad) now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.C.L. and their workmen, which was received by the Central Government on 13-12-2007.

[No. L-20012/76/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
(No. 2) AT DHANBAD**

PRESENT: SHRINAGENDRAKUMAR, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 111 of 2005

PARTIES:

Employers in relation to the management of CCL's Rajarappa Project and their workmen.

APPEARANCES:

On behalf of the workmen : None
On behalf of the employers : Mr. D.K. Verma,
Advocate.
State : Jharkhand
Industry : Coal.

Dhanbad, the 26th November, 2007

AWARD

The Government of India, Ministry of Labour & Employment, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/76/2005-I.R. (C-1) dated, the 9th December, 2005.

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the management of CCL,

Rajrapa Project that S/Sh. Keshaw Mahto, Mazid Mian, Jagdam Karmali, Abdul Kadir, Fitter Cat. VI may be promoted as Asstt. Foremen (Gr. C) is just and fair? If so to what relief are the workmen entitled and from what date?"

2. In this case neither the concerned workman nor his representative appeared. Management side, however, made appearance through their authorised representative. It transpires from the record that Regd. Notice and show cause notice consecutively were issued to the concerned workman/sponsoring union. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Statement of claim complete with document, list of reliances of witnesses within 15 days from the date of receipt of the order of reference by them. The concerned workman/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if it is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case. In the circumstances, this Tribunal finds no ground to adjourn the case suo moto for days together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 71.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या 2 (धनबाद) के पंचाट (संदर्भ संख्या 43/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/208/2004-आई आर (सी-1)]
स्नेह लता ज्वास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 71.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2005) of the Central Government Industrial Tribunal/Labour Court, No. 2, (Dhanbad) now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 13-12-2007.

[No. L-20012/208/2004-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

SHRI NAGENDRA KUMAR : Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947

Reference No. 43 of 2005

PARTIES:

Employers in relation to the management of Bastacola
Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. S.C. Gaur,
Advocate

On behalf of the employers : Mr. U.N. Lal,
Advocate.

State : Jharkhand

Industry : Coal.

Dhanbad, the 27th November, 2007

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/208/2004-IR (C-I) dated, the 31st March, 2005.

SCHEDULE

"Whether the demand of the United Coal Workers Union, from the management of Ghanoodih Colliery of M/s. BCCL for regularising Sri Biltu Paswan, Driver as Tripman is justified? If so, to what relief is the concerned workman entitled and from what date?"

2. In this case both the parties appeared through their authorised representative and filed their respective Written Statement etc. Subsequently at the stage of filing documents by both sides, Ld. Advocate for the concerned workman by filing a petition submitted prayer to pass a 'No dispute' Award in this reference as the sponsoring union on behalf of the concerned workman is not interested to proceed with the hearing of this case. Heard both sides on the petition. Since the sponsoring union on behalf of the concerned workman is not interested to proceed with the hearing of this case and as no objection raised on behalf of the management in view of such petition. I do not find any scope to proceed with the hearing of this case further. Under such circumstances, a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 72.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, संख्या 2, (धनबाद) के पंचाट (संदर्भ संख्या 58/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/470/2000-आई आर (सी-1)]

स्नेह लता ज्वास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 72.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2001) of the Central Government Industrial Tribunal/Labour Court, No. 2, (Dhanbad) now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 13-12-2007.

[No. L-20012/470/2000-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI NAGENDRA KUMAR : Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 58 of 2001

PARTIES:

Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Secretary,
Bihar Colliery
Kamgar
Union Jharnapara,
Hirapur,
Dhanbad.

On behalf of the employers : Mr. R.N. Ganguly,
Advocate.

State : Jharkhand

Industry : Coal

Dhanbad, the 19th November, 2007

AWARD

The Government of India, Ministry of Labour, and Employment in exercise of the powers conferred on them

under Section 10(1)(d) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/470/2000(C-I), dated the 19th February, 2001.

SCHEDULE

“Whether the action of the management of M/s. BCCL in not regularising the services of the workman Sri Arvind Kumar as T.M.V. Tipper, Dobari Colliery under Bastacolla Area is justified and legal? If not, to what relief is the workman entitled and from what date?”

2. In this case both the parties appeared before this Tribunal through their authorised representative and filed their respective Written Statement, documents etc. The case then proceeded along its course. Subsequently, at the stage of oral evidence for the workman, the representative of the workman by filing a petition submitted to pass a ‘No dispute’ Award in this case as the concerned workman involved in this dispute is not interested to proceed with the hearing of this case. No objection has been raised on behalf of the management side *in* view of the prayer made by the workman side.

Since the concerned workman who has raised the instant industrial dispute is not interested to proceed with the hearing of the reference, there is no reason to drag on the case for days together. Under such circumstances a ‘No dispute’ Award is passed in this reference presuming non-existence of the industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का.आ. 73.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, संख्या 2, (धनबाद) के पंचाट (संदर्भ संख्या 48/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/142/2003-आई आर (सी-1)]

स्नेह लता ज्वास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 73.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2005) of the Central Government Industrial Tribunal/Labour Court, No. 2, (Dhanbad) now as shown in the Annexure, in the industrial dispute between the employers relation to the management of TISCO., and their workman, which was received by the Central Government on 13-12-2007.

[No. L-20012/142/2003-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
(NO. 2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar : Presiding Officer

In the matter of an Industrial Dispute under Section
 10(1)(d) of the I.D. Act, 1947

Reference No. 48 of 2005

PARTIES:

Employers in relation to the Management of TISCO and
 their workman.

APPEARANCES:

On behalf of the workman : None.

On behalf of the employers : Mr. D.K. Verma,
 Advocate.

State : Jharkhand

Industry : Coal.

Dhanbad, dated the 20th November, 2007

AWARD

The Government of India, Ministry of Labour and
 Employment, in exercise of the powers conferred on them
 under Section 10(1)(d) of the Industrial Disputes Act, 1947
 has referred the following dispute to this Tribunal for adju-
 dication vide their Order No. L-20012/142/2003-I.R.(C-I),
 dated, the 26th April, 2005.

SCHEDULE

"Whether the demand of the Colliery Karamchary
 Sangh from the management of TISCO for payment
 of full wages to Sh. Lukman Ansari Mechanical Fitter
 for the period of his suspension from 4-1-2000 to
 13-3-2000 is justified? If so, to what relief is the
 workman entitled?"

2. In this case neither the concerned workman nor
 his representative appeared before the Tribunal. Manage-
 ment, however, made appearance through their authorised
 representative. It transpires from the record that the in-
 stant reference is pending since 2005. It also further tran-
 spires from the record that registered notices and show
 cause notice consecutively were issued to the workman/
 sponsoring union. In terms of Rule 10(B) of the I.D. Central
 Rules, 1957 it is mandatory on the part of the concerned
 workman/sponsoring union to file Statement of claim, list
 of reliances and witness and documents before the Tribu-
 nal within 15 days from the date of receipt of the order of
 reference. The concerned workman/sponsoring union not
 only violated the above rules but also even did not con-
 sider necessary to the notices issued by this Tribunal.
 Gesture of the workman/sponsoring union if is taken into
 consideration will expose clearly that they are not inter-
 ested to proceed with the hearing of this case. Under the

circumstances, this Tribunal also finds no ground to drag
 on the case suo motu for days together. Hence, the case is
 closed and a 'No dispute' Award is passed in this refer-
 ence presuming non-existence of any industrial dispute
 between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2007

का. आ. 74.—औद्योगिक विवाद अधिनियम, 1947 (1947
 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.
 के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच,
 अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
 अधिकरण/श्रम न्यायालय संख्या-2 (धनबाद) के पंचाट (संदर्भ संख्या
 83/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007
 को प्राप्त हुआ था।

[सं. एल-20012/429/97-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 74.—In pursuance of Section 17 of the Indus-
 trial Disputes Act, 1947 (14 of 1947), the Central Govern-
 ment hereby publishes the award (Ref.No.83/2001) of the
 Central Government Industrial Tribunal/Labour Court
 No. 2 (Dhanbad) now as shown in the annexure in the
 Industrial Dispute between the employers in relation to the
 management of B.C.C.L and their workman, which was re-
 ceived by the Central Government on 13-12-2007

[No.L-20012/429/97-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL (NO.2) AT
DHANBAD

PRESENT

SHRI NAGENDRA KUMAR,
 Presiding Officer.

In the matter of an Industrial Dispute under Section 10
 (1)(d) of the I.D. Act, 1947.

Reference No. 83 of 2001

Parties

Employers in relation to the
 Management of M/s. BCCL
 and their workman.

APPEARANCES

On behalf of the workman : None.

On behalf of the employers : Mr. D.K. Verma,
 Advocate.

State: Jharkhand

Industry: Coal

Dated, Dhanbad, the 19th Nov., 2007.

AWARD

The Government of India, Ministry of Labour and Employment in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/429/97-I.R. (C-I), dated, the 15th March, 2001.

SCHEDULE

"Whether the action of the management of North Tirsa Colliery of M/s. BCCL in not regularising S/Sri Prashid Ram and others (list enclosed) is justified? If not, to what relief the concerned workmen are entitled and from which date?"

2. In this case neither the concerned workmen nor their representative appeared before this Tribunal. Management side, however, made appearance through their authorised representative. It transpires from the record that registered notices and show cause notice were issued consecutively to the concerned workmen/sponsoring union. In terms of Rule 10B of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workmen/sponsoring union to file statement of claim, list of reliances, documents evidence etc. before the Tribunal within 15 days from the date of receipt of the order of reference. The concerned workmen/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case.

Under such circumstances, this Tribunal finds no ground to adjourn the case suo motu for months together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

List of the Workers

1. Sri Prashid Ram
2. Sri Bijay Paswan
3. Sri Ram Naresh Paswan
4. Sri Upendra Paswan
5. Sri Sitaram Paswan
6. Sri Surendra Paswan
7. Sri Zahid Ali
8. Sri Shiv Paswan
9. Sri Pratap Paswan
10. Sri Vishnudeo Paswan
11. Smt. Phulwa Devi
12. Sri Laxman Paswan
13. Sri Binod Chouhan

14. Sri Raj Kumar Paswan-II
15. Sri Raj Kumar Paswan-I
16. Sri Mahendra Bhuiya
17. Sri Binod Kumar Paswan
18. Sri Bhola Choudhary
19. Sri Bhola Paswan
20. Sri Kameshwar Singh.
21. Sri Bhanu Paswan
22. Sri Kailash Paswan
23. Sri Farid Ansari
24. Sri Mahendra Paswan
25. Sri Rajendra Mahato
26. Sri Shambhu Mistry
27. Sri Dinesh Paswan
28. Sri Rajendra Bhuiya
29. Sri Sanjay Ram
30. Sanjit Kumar
31. Sri Dendayal Paswan
32. Sri Arun Bauri
33. Sri Bijendra Paswan
34. Anok Bauri
35. Sri Bhola Bauri
36. Sri Sudan Ram
37. Sri America Paswan
38. Sri Arjun Kumar Singh
39. Sri Birendra Gupta
40. Sri Santosh Bauri
41. Sri Bineshwar Paswan
42. Sri Md. Safudin Ahmad
43. Sri Jag Narayan Paswan
44. Sri Kamlesh Ghosh
45. Sri Kumarkant Ghosh
46. Sri Deepak Hari
47. Sri
48. Sri Madhu Sudan Paswan
49. Sri Shakti Singh
50. Sri Dilip Paswan
51. Sri Nimai Kumar

नई दिल्ली, 13 दिसम्बर, 2007

का. आ. 75,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या-2 (धनबाद) के पंचाट (संदर्भ संख्या

71/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-07 को प्राप्त हुआ था।

[सं. एल-20012/4/2005-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 75.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 71/2005) of the Central Government Industrial Tribunal/Labour Court No.-2 (Dhanbad) now as shown in the annexure in industrial Dispute between the employers in relation to the management of B.C.C.L and their workman, which was received by the Central Government on 13-12-07.

[No. L-20012/4/2005-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act., 1947.

Reference No. 71 of 2005

Parties: Employers in relation to the management of Katras Area of M/s. BCCL and their workman.

Appearances:

On behalf of the workman: Mr. S.N. Goswami,
Advocate

On behalf of the employers: Mr. D.K. Verma,
Advocate.

State: Jharkhand Industry: Coal

Dated, Dhanbad, the 20th November, 2007

AWARD

The Government of India, Ministry of Labour and Employment in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/4/2005-I.R. (C-I), dated, the 19th July, 2005.

SCHEDULE

"Whether the demand of the Bihar Colliery Kamgar Union from the management of Ramkanali Colliery of M/s. BCCL for regularizing S/Sri Badri Nath Mishra, Roof Bolting/Drilman, Sobrati Mia, Drilman and Ram Kishun Mahato, Cablemen in T.R. job is justified? If so, to what relief are the concerned workmen entitled and from what date?"

2. In this case both the parties appeared through their authorised representative and filed their respective written Statement before the Tribunal. The case then proceeded along its course. Subsequently at the stage of filling documents the representative of the workmen by filling a petition submitted that the dispute in connection with this reference has already been settled and for which the concerned workmen are not willing to proceed with the hearing of this case. The representative of the management raised no objection. In view of submission of the representative of the workman a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer
नई दिल्ली, 13 दिसम्बर, 2007

कां. आ. 76.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-(2), के पंचाट (संदर्भ संख्या 189/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2007 को प्राप्त हुआ था।

[सं. एल-20012/564/98-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 13th December, 2007

S.O. 76.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No.189/1999) of the Central Government Industrial Tribunal/Labour Court, No.-2 (Dhanbad) now as shown in the annexure in Industrial Dispute between the employers in relation to the management of B.C.C.L and their workman, which was received by the Central Government on 13-12-2007.

[No. L-20012/564/98-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI NAGENDRA KUMAR, Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947.

Reference No. 189 of 1999

PARTIES:

Employers in relation to the management of Barora Area of M/s. BCCL and their workmen.

Appearances :

On behalf of the workman : Mr. K. Chakravorty,
Advocate

On behalf of the employers : Mr. B.M. Prasad,
Advocate.

State: Jharkhand Industry: Coal

Dated, Dhanbad, the 29th November, 2007

AWARD

The Government of India, Ministry of Labour and Employment in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/564/98-IR (C-1), dated the 17th April, 1999.

SCHEDULE

"Whether the action of the management to dismiss Shri Rajesh Bhuia on grounds of absentism is genuine and justified? If not to what relief the concerned workman Sri Rajesh Bhuia is entitled and from what date?"

2. The case of the concerned workman viz. Rajesh Bhuia as stated in the written Statement submitted by the sponsoring Union in brief is as follows:—

The concerned workman Rajesh Bhuia had been working as permanent Miner/Loader since long at Damoda Colliery with unblemished record of service. Unfortunately the concerned workman was absenting from duty due to unavoidable circumstances and the same was duly communicated to the management. He had informed the management about his illness and prayed for sanction of leave. The management never rejected the prayer of leave of the concerned workman. Hence it will be presumed that the management had accepted the prayer of the concerned workman. In spite of the above information a false and frivolous charge sheet by unauthorised person was issued to the concerned workman. The concerned workman submitted his reply and gave explanation. An invalid and irregular departmental enquiry through a biased and prejudiced enquiry officer was instituted. No reasonable opportunity was given to the concerned workman and principle of natural justice was violated. The concerned workman challenged the illegal and arbitrary dismissal order but without any effect. Hence the union raised an industrial dispute demanding reinstatement of the concerned workman with full back wages. However, the conciliation proceeding failed due to the adamant attitude of the concerned management. Thereafter the Ministry of Labour, Government of India, referred the dispute to this Tribunal for adjudication.

It appears that the concerned workman was issued notice vide letter No. Da. Ko/Kshetra/Aviyog/96/1220 dated 22-3-96 vide Ext.M-1.

3. On the other hand the management has filed Written Statement-cum-rejoinder denying all the claims and allegations as asserted by the workman in the Written State-

ment submitted by the sponsoring union.

Management has submitted that the concerned workman had developed the habit of absenting from his duty without information and without permission and without satisfactory cause. The concerned workman worked only 51 days in the year 1992, 81 days in the year 1993 and 52 days in the year 1994. He started absenting from his duty with effect from 30-3-95 continuously without any information or permission or satisfactory cause. Accordingly a chargesheet dt. 22-3-96 for commission of misconduct of unauthorised absence without justification and without information was issued. The concerned workman in his reply accepted the charges levelled against him. A departmental proceeding was initiated against him with regard to that aforesaid chargesheet dtd. 22-3-96 and the concerned workman participated in the departmental proceeding. The said departmental proceeding was held fairly, properly and in accordance with the principle of natural justice. The concerned workman was given full opportunity to cross-examine the witnesses of the management and to give his own statement and produce his defence witness. Thereafter the Enquiry Officer submitted his report holding the concerned workman guilty of the charges levelled against him. The management after considering enquiry report and the past conduct of the concerned workman and after approval by the competent authority issued order of dismissal. The action of the management in dismissing the concerned workman from his service is legal, bona fide and justified. He is not entitled to get any relief.

It may be mentioned that in the said Written Statement-cum-rejoinder from para 10 to 18 details have been given by the management regarding incorrect statement given by the concerned workman and definitely such statements are incorrect. In this part of the Written Statement-cum-rejoinder the management have also clarified facts showing that the management took correct and legal steps and departmental enquiry was held following the principle of natural justice. It has been prayed by the management to pass Award holding the concerned workman not entitled to get any relief. It has also been prayed by the management to reject the claim of the concerned workman.

4. POINTS TO BE DECIDED

"Whether the action of the management to dismiss Sri Rajesh Bhuia on grounds of absentism is genuine and justified? If not to what relief the concerned workman Sri Rajesh Bhuia is entitled and from what date?"

5. FINDING WITH REASONS

From the record it appears that before final hearing

of the case on merit the matter relating to preliminary point was taken up for consideration whether the domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. It appears that the matter was heard on this point and order was passed on 27-3-2006. Considering all aspect of the matter on preliminary point regarding conducting of domestic enquiry, the matter was decided holding the domestic enquiry conducted by the Enquiry Officer against the concerned workman was fair, proper and in accordance with the principle of natural justice, and thereafter the case was posted for hearing argument on merit. In this view of the matter at this stage there appears no other reason to reconsider this aspect of the matter and in fact this position has not been disputed.

6. It has been submitted by the management that the concerned workman was in the habit of being absent from duty without any permission or prior information. In fact, the concerned workman did not absent not only after 30-8-95 during the year 1995, rather he was absent on several occasions during the previous 3 years in the year 1992, 1993 and 1994. In fact he performed his duty for 51 days in the year 1992, 81 days in the 1993 and 52 days in the year 1994. However, he started absents from duty from 30-8-95 without any permission or without any prior information. Accordingly a chargesheet was issued on 22-3-96 charging him for commission of misconduct under clause 26.1.1 of the Certified Standing Order. This chargesheet during the evidence has been marked as Ext. M-1. The concerned workman has submitted his reply to the chargesheet in which he has admitted the fact of being absent from 30-8-95. His reply has been marked as Ext. M-2. In course of enquiry the concerned workman has taken the plea that he was working in Damoda Colliery from June, 1995. Earlier he was working as Loader in Madhuban Colliery from 1990 to June, 1995 and thereafter he was transferred to Damoda Colliery. He worked there for 4/5 days in Damoda and thereafter he became ill. There he was declared sick by the Damoda Hospital. When he went to join his duty after obtaining joining from the doctor he could do his duty as he was not feeling well and he came back to his house. Thereafter he got treated by a private doctor. When he reached to colliery office after being in good health he got the chargesheet to which he replied. He has given two letters under Certificate of posting.

7. Firstly it may be mentioned that the matter of fairness of enquiry was examined and vide Order dt. 27-3-2006 it has been found that the domestic enquiry conducted by the Enquiry Officer against the concerned workman was fair, proper and in accordance with the principle of natural justice. Now this question has already been settled.

8. Considering the materials on record the Enquiry Officer found the concerned workman Rajesh Bhuia, Loader, Damoda Colliery found guilty of being absent from duty w.e.f. 30-8-95 without information/leave. This enquiry re-

port is Ext. M-8. It appears thereafter that the Dy. C.M.E. Damoda Colliery submitted a report along with details regarding attendance of the concerned workman Rajesh Bhuia which is as follows :—

1992-51

1993-81

1994-52

Thereafter the Dy. C.P.M. Barora Area submitted the matter to the General Manager, Barora Area for necessary approval who after considering the enquiry report and also past record passed order to dismiss the concerned workman Rajesh Bhuia from service of the company vide Ext. M-10, Ext. M-10/1. The order of dismissal was communicated to the concerned workman vide Ext. M-11.

9. Ld. Lawyer for the management has submitted that once the domestic enquiry was held fair and proper and further in view of finding of the enquiry officer and past conduct of the concerned workman the order of dismissal is legal and does not require any interference. This Tribunal has no authority to question the domestic enquiry once it was found fair and proper which is the present case. In support of his contention he has filed a decision reported in 2005 Lab I.C. 986. On the other hand Ld. Lawyer for the concerned workman has filed a decision reported in 1989 Lab I.C. 1043 to show that in view of Section 11A of the I.D. Act., 1947 this Court has jurisdiction to consider the question of punishment and in the facts and circumstances of the case the punishment of dismissal of the concerned workman is excessive and not in accordance with the law. He has submitted that the materials on record goes to show that there were compelling circumstances due to which the concerned workman became absent. He has further submitted that there is nothing to show that there is allegation of misbehaviour against the concerned workman. He has again questioned the fact of absence of the concerned workman during the last 3 years which has been taken into consideration while awarding punishment to the concerned workman. He has disputed this fact and has submitted that no opportunity has been given to the concerned workman to explain the circumstances as the chargesheet does not disclose anything about the absence for that period. Besides this he has also submitted that there is nothing on record to show that during the years 1992, 1993 and 1994 for being absent any type of punishment, warning or show cause was given to this workman. There is also nothing to show that any proceeding was initiated against the concerned workman for the aforesaid period.

10. Infact it has not been disputed regarding the position of law that once it has been found that the domestic enquiry was valid and legal it cannot be subsequently proceed to recall conclusion that the charges against the employee was not proved and also the scope of Section 11A of the I.D. Act., 1947 this Court has jurisdiction to

consider the question of quantum of punishment. So far as the decision is filed by the Ld. Lawyer for the concerned workman is concerned, the facts and circumstances are different. Hence the same is not being discussed in details. The management has filed another decision reported in 2007 111 LLJ. 5 in 46, but the facts and circumstances are different and the law is not applicable in this case.

11. It will be relevant to mention that provision of Section 11A of the I.D. Act, 1947 which reads as follows :—

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman of such terms and conditions, if any, as it thinks fit, or given such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

12. From perusal of the aforesaid provision of law as well as the decision filed by the Ld. Lawyer for the management it appears that this Court has jurisdiction to consider the quantum of punishment imposed upon the concerned workman if the facts and circumstances of the case so requires, on the basis of materials available on record.

13. As far as the fact of this case is concerned the charge of absence of the concerned workman from 30-8-95 has been proved and the concerned workman has accepted that he was absent from 30-8-95. The chargesheet is dated 23-3-96. The concerned workman during the course of enquiry has given statement. From his statement it appears that he was earlier working in Madhuban Colliery from 1992 to 1995. Thereafter he was transferred to Damoda Colliery and he joined there and worked there for 4/5 days. Thereafter he became ill and was admitted in Damoda Hospital. After two months he came to join his duty but he was not feeling well due to burning sensation of his stomach. Hence, he went back and got him treated by a private doctor. He has also mentioned the fact of sending two letters under U.P.C. to the management. He has also said that he was told by the Post Master that this process is less costly than Reg. Post. He is a poor man. However, it appears that this aspect of the matter has been considered by the Enquiry Officer. From perusal of the enquiry report it appears that two receipts of U.P.C. were produced by the concerned workman to the Enquiry Officer. However, the same was denied by the management. From enquiry report it further appears that it has been found that the concerned workman got himself treated in colliery hospital for two months

and even after declaration of being fit did not return to his job on 30-8-95. The enquiry report also shows that the concerned workman has given certificate regarding his treatment by outside doctor though he did not produce any receipt of purchase of medicines.

14. Thus so far as the materials is available on record is concerned it shows that the concerned workman was under treatment of the doctor for two months in the colliery hospital but he did not join his duty on 30-8-95 when he was declared fit. The enquiry report itself shows that some documents regarding sending information of treatment by outside doctor was brought before the Enquiry Officer.

15. Ld. Lawyer for the management has vehemently argued that earlier the concerned workman had said about different ailments and when he failed to join he said the illness of burning sensation which contradictory type of ailment and no receipt of purchase of medicine has been shown by the concerned workman which goes to show that the concerned workman has tried to make out false justification of his absence. He has vehemently submitted that in view of the facts that the guilt of the concerned workman was established and also his past conduct of the last three years fully justify the order of dismissal.

Thus on the basis of materials available on record and in the facts and circumstances of the case the following facts arise for consideration:—

- (i) The concerned workman was ill and was admitted in the Colliery Hospital for about 2 months but he did not return to his duty on 30-8-95 when he was declared fit.
- (ii) The concerned workman did not inform the management regarding his absence from 30-8-95 in accordance with the procedure/rules or took any leave/permission for his absence.
- (iii) As far as absence during the years 1992, 1993 and 1994 is concerned and which have been taken into consideration for awarding punishment it appears that no opportunity has been provided by the management to explain in this regard. There is nothing to show that any action was taken or any proceeding was initiated or even any show cause notice or punishment was awarded on earlier occasions.

The material available on record suggested that the concerned workman was ill before 30-8-95 and he was declared fit to resume duty on 30-8-95 and since then he became absent.

16. In view of above circumstances I am of the opinion that the punishment of dismissal to the concerned workman is excessive and not justified. Accordingly the workman concerned is entitled to be reinstated to his original post within one month from the date of publication of the Award in the Gazette of India. However, the management will be at liberty to take appropriate action in

procedure/rules. However, the concerned workman will not be entitled to get any back wages but he will get the continuity of service.

In the result, the following Award is rendered:—

“The action of the management to dismiss Shri Rajesh Bhuia on the grounds of absentism is not genuine and not justified. Consequently he is entitled to be reinstated to his original post with continuity of service but without any back wages within one month from the date of publication of the Award in the Gazette of India.”

The management is directed to implement the Award in the light of the observation made above.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2007

का. आ. 77.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्थन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचट (संदर्भ संख्या 186/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2007 को प्राप्त हुआ था।

[सं. एल-41012/17/1998-आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2007

S.O. 77.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 186/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the Management of Northern Railways, and their workman, which was received by the Central Government on 17-12-2007.

[No. L-41012/17/1998-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. G. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR, U. P.

Industrial Dispute No. 186 of 1998

In the matter of dispute between :

Uttar Railway Karamchari Union
Sri Dinanath Tiwari, Divisional Organising Secy.
119/74, Quarter No. 61, Nasimabad, Kanpur.

And

Northern Railway
The Assistant Engineer
Northern Railway
Etawah

AWARD

1. The Central Government, MOL, New Delhi, vide Notification No. L-41012/17/98-IR (B-1) dated 13-11-98 has referred the following dispute for adjudication to this Tribunal;—

“Whether the action of the management of Northern Railway Etawah in terminating the services of Sri Harish Chander son of Sri Roshan Lal Gangman w.e.f. 9-10-91 is legal and justified? If not to what relief the workman is entitled to?”

2. The claim of the workman in short is that he was appointed by the opposite party on 15-01-81 as Gangman under Assistant Engineer of the opposite party at Etawah from where he was directed to work under permanent way Inspector Shikohabad and worked there more than 240 days thereby acquiring the status of monthly rated casual labour and temporary employee of the opposite party. He was medically examined by the railway doctor on the memo issued by the opposite party at Tundla Railway Hospital. The DMO in turn issued him fit certificate No. 045613 dated 21-1-83 and accordingly he was regularised in the services of the railway. After making the workman permanent in the railway services, railway administration failed to correctly fix the pay of the workman in respect of which he approached the administration vide application dated 10-11-86, 10-2-87 and 7-5-93 respectively and lastly vide representation dated 18-5-93 sent to the concerned authorities of the opposite party by the union of which he was the member. Ultimately his services were removed by the opposite party when he pressed his demand through union. The Act of the opposite party is an act of Unfair Labour Practice as defined under the Act and also is in breach of provisions of Section 25F of the Act 1947 and therefore is liable to be set aside with direction that the workman be reinstated in the employment of the opposite party with full back wages and continuity of service.

3. The claim of the workman has been contested by the opposite party on a number of ground particularly denying the fact that the workman at any point of time had worked under them. The signature of Sri S.N. Mathur P. W. 1 appearing on working certificate is forged one. Opposite party has further denied the fact that the workman was ever sent by them for his medical examination nor any medical memo was ever issued by the Divisional Medical Officer in favour of the workman. Lastly it has been pleaded by the opposite party that the claim of the Claimant is barred by the provisions of Industrial Disputes Act, 1947, therefore is liable to be rejected.

Both contesting parties have adduced documentary evidence in support of their representative claims and counter claims in the shape of photocopies. The workman did not examined himself as witness in support of his claim.

4. Tribunal has heard the arguments of the contesting parties at length and have also perused the record of the case carefully.

5. It is settled principle of law that mere pleadings of a party is not sufficient to hold his claim as valid in the absence of evidence and proof. Admittedly the workman has not adduced any oral evidence in support of his claim therefore, the tribunal does not find any substance in the claim of the workman moreover it is also settled principle of law that photocopies of document cannot be accepted as a reliable piece of evidence. The workman having failed to prove his case, tribunal is not inclined to believe his claim in the absence of cogent evidence.

6. For the reasons discussed above, tribunal is of the view that the claim of the workman cannot be allowed for want of evidence in support of his claim. The claim is therefore liable to be rejected and is rejected accordingly holding that the workman is not entitled for any relief as claimed by him.

7. Reference is answered accordingly against the workman and in favour of the opposite party railway administration.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2007

का. आ. 78.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैण्डर्ड चार्टर्ड बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 34/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2007 को प्राप्त हुआ था।

[सं. एल-12012/285/1999-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2007

S.O. 78.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the annexure in Industrial dispute between the management of Standard Chartered Bank Ltd., and their workmen, which was received by the Central Government on 17-12-2007.

[No-L-12012/285/1999-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 34 of 1999

PARTIES : Employers in relation to the mangement of
Standard Chartered Bank, Kolkata

AND

Their workmen.

Present : Mr. Justice C. P. Mishra ... Presiding Officer

APPEARANCE:

On behalf of the Management : Mr. A. K. Das, Advocate.

On behalf of the Workmen : Ms. K. Das, Advocate.

State: West Bengal.

Industry: Banking.

Dated the 6th December, 2007

AWARD

By Order No. L-12012/285/99-IR(B-1) dated 13-09-1999 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Standard Chartered Bank in withdrawing the canteen facilities from its branches to Chowringhee and Salt Lake is legal and justified? If not to what relief are the employees of those two branches entitled?"

2. When the case is called out today, none appears for the workmen. It appears from the record that initially both the parties appeared and completed the pleadings. Both the sides examined one witness each and also exhibited certain documents. But, none is appearing for the workmen since 22-12-2005 inspite of service of several notices. Advocate for the management is however present and referred to the application dated 12-10-2006 filed by the management wherein it is stated that after prolonged negotiations between the management and the present union a settlement was signed on 23-04-2004 and the union agreed that it will reduce the cases filed against the management. According to the management the workmen do not want to pursue this case A "No Dispute" Award is thus prayed for. Management is also stated to have served a notice upon the union and filed the receipt of the same.

3. Since none is appearing on behalf of the workmen in spite of several opportunities being given to them. It is clear that they are no longer interested to proceed with the matter further. Management is also in favour of disposal of the matter by passing a "No Dispute" Award. In such circumstances, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. A "No Dispute" Award is accordingly passed and the present reference is disposed of.

Dated, Kolkata, C. P. MISHRA, Presiding Officer
the 6th December, 2007

नई दिल्ली, 19 दिसम्बर, 2007

का.आ. 79.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 56/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2007 को प्राप्त हुआ था।

[सं. एल-12012/3/2002-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2007

S.O. 79.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 56/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 18-12-2007.

[F. No. L-12012/3/2002-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present :

Shri N. K. R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 56/2002

Date of Passing Award - 31st : October, 2007

Between :

The Management of the General Manager,
Indian Overseas Bank, Central Office,
P.B. No. 3765,
763, Anna Salai, Chennai - 600 002

...1st Party-Management

(And)

Their Workman, Shri B. Ramesh Chandra,
H. No. 8-3-159, Bhagath Nagar,
Ramachandrapuram, Karimnagar,
Andhra Pradesh - 505 002.

...2nd Party-Workman

Appearances :

M/s. N. K. Mishra,	...	For the 1st Party
Advocate		Management
M/s. D. Narsingh Rao,	...	For the 2nd Party
Advocate		Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/3/2002-IR (B-II), dated 22-04-2002 :—

“Whether the action of the Management of Indian Overseas Bank, Central Office, Chennai and Local Head Office, Berhampur (Ganjam) in relation to their Bissam Cuttack Branch, Koraput (Orissa) in discharging Shri B. Ramesh Chandra, Clerk assigned with Special Assistant duty from service vide Order

dated 11-6-1999 is legal and justified? If not, what relief the workman is entitled to?” Whether the action of the Management of Indian Overseas Bank by not clearing timely Shri B. Ramesh Chandra's TA Claims, 6th settlement arrears, Annual grade increments of 1977 etc. is legal and justified? If not, what relief the workman is entitled to?”

2. The workman was appointed as a Clerk in 1977 after duly being selected in a recruitment test. In the year 1991 he was assigned with the duty of a Special Assistant as per the order of the Regional Manager of the Management-Bank at Hyderabad. Thereafter while he was working at Nalgonda Branch in the District of Andhra Pradesh he was transferred to Bissam Cuttack Branch in Orissa in May 1996. For allowing over drawal of Rs. 6,770.55 on 14-10-1997 against S.B. Account No. 2505 the Branch Manager of Bissam Cuttack issued a show cause to him on 8-12-1997 and it was followed by a charge-sheet-cum-suspension order dated 19-3-1998 issued under the signature of the disciplinary authority stationed at Chennai in the following terms (Ext. 2).

xxx xxx xxx xxx xxx

It is reported that while working at our Bissam Cuttack Branch as Clerk assigned with Special Assistant duties, you had planted a fictitious credit entry of Rs. 10,000/- in SB A/c. No. 2505 in the name of Shri Rajeswar Prasad Singh on 14-10-1997 and fraudulently passed a withdrawal slip for Rs. 10,000/- on the same day.

By your said act you have caused undue pecuniary gain to the holder of SB A/c. No. 2505 and resulting in overdraft in the said account.

It is charged that :

- By your above acts you have caused damage to the property of the bank and its customers and thereby committed gross misconduct within the meaning of para 17.5(d) of the Bipartite Settlement dated 14-12-1966 between the Bank and its Workmen as amended up-to-date.
- Your act as above is also prejudicial to the interest of the bank within the meaning of gross misconduct as defined in para 17.5 (j) of the aforesaid Bipartite Settlement.

xxx xxx xxx xxx xxx

3. The disciplinary authority having decided to enquire into the matter himself assumed the powers of Enquiry Officer and for that appointed one Presenting Officer and on completion of enquiry offered an opportunity of personal hearing and then passed an order vide Ext. 17, dated 11-6-1999 of discharge as per Para 17.6(b) of the Bipartite Settlement dated 14-12-2006 in the following words.

xxx xxx xxx xxx xxx

As may be seen from the findings dated 29-4-1999, a copy of which has already been sent to you along with the show cause and personal hearing notice dated 28-5-1999, I hold all the charges leveled against you as established.

The proved charges are serious in nature showing moral turpitude on your part. Further, your past record of service is also not satisfactory as you have been charge-sheeted on 24-12-1994 and punished by the then Disciplinary Authority. Hence, I am of the opinion that the ends of justice will be fully met by awarding you the penalty of 'discharge' from bank's service.

Accordingly, I pass this original order awarding you the penalty of "discharge" from bank's service without notice in terms of para 17.6(b) of the Bipartite Settlement dated 14-12-1966 between the Bank and its workman as amended up to date.

As the charges held proved are grave in nature, your suspension period will not be treated as one spent on duty and you will not be entitled to any other emoluments including notional increments, if any, except the subsistence allowance already paid to you.

4. It is alleged by the workman in his Claim Statement that on his posting in the Bissam Cuttack Branch in the state of Orissa, he was all along looked up-on-down as an outsider. Besides the Branch Manager himself used to quarrel with him every now and then on silly matters and bore a vindictive attitude towards him for he used to represent repeatedly for early payment of his Transfer T.A., arrear pay due under 6th Pay Settlement and for sanction of annual increment of 1997 etc. It is further contended by the workman that being fed up with his above representations the Branch Manager remained in the look out of an opportunity to trap him and ultimately when on 14-10-1997 he allowed an over drawal of Rs. 6770.55 against S.B. Account No. 2505, the Branch Manager after lapse of about two months i.e. on 8-12-1997 served a show cause notice on him to explain the above transaction even though it was done with his knowledge and then managed to issue a charge-sheet through the disciplinary authority at Chennai. As regards propriety of the domestic enquiry it is averred further that even though he asked for time on the first day of enquiry on 20-11-1998 on the ground of absence of his defence representative the Enquiring Officer proceeded to record the evidence of the Management Witnesses in the second half of the day and on the following day he having completed the evidence of the said witness set him ex parte as he was not in a position to cross-examine the witnesses due to absence of his representative and then passed the final order even though he had asked him time, when called upon forthwith to submit his written argument, to cross examine the Management Witness. It is further claimed by the workman that the enquiry was not only concluded hastily but also the order of discharge passed by the disciplinary authority

is violative of the settlement reached with the Union. To speak in nutshell, the challenge of the workman is one on the ground of bias and secondly on the ground of not providing him natural justice in the departmental proceeding.

5. On the basis of above pleadings of the parties the following issues were framed but out of these Issue No. 2 was taken up as preliminary issue to be decided at the first instance.

ISSUES

1. Whether the reference is maintainable?
2. Whether the domestic enquiry conducted against the disputant was fair and proper?
3. Whether the discharge of the delinquent, who was assigned with Special Assistant duty from service vide order dated 11-6-1999 is legal and justified?
4. Whether the action of the Management of Indian Overseas Bank by not clearing timely Shri B. Ramesh Chandra's TA claims, 6th settlement arrears, Annual grade increments of 1977 etc. is legal and justified?
5. If not, to what relief the workman is entitled?

FINDINGS

AWARD ON PRELIMINARY ISSUE NO. 2

6. Since the workman has alleged bias on the part of the Management, this issue is taken up first as follows.

It is the case of the Management that earlier to his posting in the case bank at Bissam Cuttack the workman was working as Nalgonda, Branch Bank in the State of Andhra Pradesh. There he was also charge sheeted for misappropriating the cash of the bank. In that proceeding he was punished in the following manner vide order dated 18-1-96 (Ext. 29/1).

Accordingly I pass this original order reducing your basic pay by five stages as on date of this order with cumulative effect and further order that you shall be transferred out of Andhra Pradesh. Your suspension will stand revoked by reporting for duty at the new place of posting as above, which will be advised to you by Personnel Administration Department, Central Office.

7. It is further contended by the Management that on the basis of above order the workman was transferred to Management Bank at Bissam Cuttack in the State of Orissa. In so far as the present charges are concerned it is contended that while working in the Management Bank as an Assistant, the workman on 14-10-1997 made a fictitious credit entry of Rs. 10,000 in the account of Shri Rageswar Prasad Singh and allowed the same be drawn on very day rendering overdrawal and on the following day deposited the same by filling up the pay-in-slip under his own

handwriting to regularize the irregularities committed previous day.

8. Admitting the above allegations the workman gave his reply to the charges as extracted below which shall also be read as part of the claim statement of the workman.

Ext. 3 - "I give below on facts of the incident for your consideration. Due to Management faults, I was made as the scapegoat. I was been posted to Bissam Cuttack Branch during 1996 May. I had taken a suspense amount of Rs. 10,000 as advance to bring my family from Hyderabad and submitted my T.A. Bill in time, which was eligible. Instead of passing the same, I was declined after a period of about 12 months and debited to my SB Account by creating OD, and it was there for about 3 months, as I was starved for 3 months for clearing the OD. During that period my daughter was suffering with Eye Problem, and she needed Eye operation. I had taken a hand loan of Rs. 10,000 from Mr. Rajendra Prasad Singh SB A/c holder of our Bank bearing SC A/c. No. 2505 and promised to pay back within fortnight. But due to exams of my daughter, the Doctor advised to get the operation during June/July, then my family sent back the money to me through by brother, who is new to this place. He was supposed to reach Bissam Cuttack on 14-10-1997, but he reached in the evening of same day after closing of the bank. With a good faith of getting the money in time I left one line for credit, I passed the Dr. withdrawal by creating an OD of Rs. 6770.50, but not with intention to cause damage to Bank nor to the customer. The same was adjusted on the every next day in the 1st hour. There are number of lapses which took place in the branch. Due to entire staff (clerical) were on leave, I was looking after counter as well as scroll, so, I could not leave the Bank if not, I would have adjusted the same on the day of incident itself.

I think that, it was wilful harassment on me, by not paying 5th Settlement arrears, even after three years and charging me with grave nature of allegations. I had already submitted the reply to the Branch Manager in this regard in the month of January 1998."

9. In view of the above admission of the charges the only question boils down for consideration is whether the action of the Management is conducting the enquiry and passing an order of discharge from service is vitiated with bias and vindictiveness. To prove bias and vindictiveness the workman has relied on the following aspects in the claim statement.

- (a) That he was not paid his Transfer T.A.
- (b) That he was not given arrear pay due under 6th Pay Settlement though others were paid in 1994.

- (c) That he was not sanctioned with annual increment for the year 1997.
- (d) That on his making repeated representations for payment of the above dues the Br. Manager was indisposed of towards him.
- (e) That though he had allowed the alleged overdrawal with the knowledge of Branch Manager, the latter in suppression of the same cunningly managed to charge-sheet him belatedly out of vengeance.
- (f) That the enquiry held against him was bad in as much as the same was held by the disciplinary authority himself contrary to the rules.
- (g) That he was not given fair opportunity to defend himself and that the same was concluded in haste.
- (h) That the punishment given to him is visited with vindictiveness and not according to the Rules.

During trial the workman added another item :—

(i) That he was not paid subsistence allowance during the enquiry for the period from April to May 1998.

10. It is the golden rule that stands firmly established is that the doctrine of natural justice is not only to secure justice but to prevent miscarriage of justice. While dealing with the question of what constitute Natural Justice their Lordships have averred in the case of Keshav Mills Co. Ltd., -Versus- Union of India & Others reported in AIR 1973 SC 389 that what are the principles of natural justice that should regulate on administrative act or order is a much more difficult one to answer. xxxxxxxxxx The only essential point that has to be kept in mind in all cases is that the person concerned should have a reasonable opportunity of presenting his case and that the administrative authority concerned should act fairly, impartially and reasonably. In the case of Kumaon Mandal Vikas Nigam Limited -Versus- Girija Sankar Pant and others reported in 2001-1-LJ-SC-583 it has been observed by their Lordships that where the matter in question involves two principal issues (a) the issue of "bias" and malice and (b) the issue of natural justice, these issues would overlap each other. xxxxxxxxxx There must be cogent evidence available on record to come to the conclusion as to whether in fact there was existing a bias which resulted in the miscarriage of justice. In common parlance a malicious act has been equated with intentional act without just cause or ex-cause

11. In the instant case the alleged issue of bias and natural justice has so been intermingled by the workman that it would be difficult to appreciate his case unless each items from (a) to (i) supra are discussed separately.

(a) Transfer T.A. — Admittedly the workman was transferred to the Management Bank at Bissam Cuttack on

the basis of an earlier departmental proceeding. The order passed in that departmental proceeding on 18-1-1996 is as follows :

xx xxx xxx xxx xxx

Ext.- 29/1 - Accordingly, I pass this original order reducing your basic pay by 5 (five) stages as on date of this order with cumulative effect and further order that you shall be transferred out of Andhra Pradesh. Your suspension will stand revoked by reporting for duty at the new place of posting as above, which will be advised to you by Personnel Administration Department, Central Office.

xx xxx xxx xxx xxx

With reference to the above it is contended by the Management, that since the workman was transferred to Bissam Cuttack branch on the basis of above order he was not entitled to get Transfer T.A. and as such he was not paid. It be pointed out that under the award Staff settlement regarding disciplinary proceedings, hereinafter mentioned as Standing Order "Transfer to another Station has never been characterized as a measure of punishment. It has rather prescribed under Clause 17.9 that a person shall not be given more than one punishment in respect of any one charge. The charge against the workman being one in the above proceeding and his Transfer not being as a measure of punishment, the Management should not have deprived the workman from getting his transfer T.A. This speaks of malice on the part of the Management. Besides the very order of punishment speaks volume of biasness in as much as the punishment of reducing the basic pay by five stages is found basically contrary to the punishment prescribed under bi-partite settlement of 1966 (Ext.-1) and the subsequent settlement of 1995 (Ext. G) under which basic pay cannot be reduced by more than two stages.

(b) Regarding non-payment of arrear pay due under 6th pay settlement.

As regards non-payment of the arrear pay, the Management has offered no explanations whatsoever in his written statement. But M.W. 2 during his cross-examination contends that the same could not be paid to the workman as his pay particulars had not reached the Management office after his transfer to Bissam Cuttack Branch. The evidence on record shows that other employees were paid their arrear pay during 1994 while the workman was in his previous station. Therefore, the present explanation of M.W. 2 that for non-receipt of pay particulars the workman could not be paid his arrear pay in Bissam Cuttack branch till his termination can not be believed. A letter (Ext.-H) dated 5-9-2000 of the Dy. Chief Officer (A) of the Regional Office at Berhampur sent to the workman much after his discharge from service indicates that his aforesaid claim is still pending with the Management even though the said authority is the competent authority to calculate his dues. This is another glaring instance of Management's vindictive attitude.

(c) Regarding non-payment of Annual Increment for 1997.

Assigning reasons for non-payment of such increment, it has been contended by the Management in its written statement that by the time 5th Bipartite Settlement came into force the workman was to get two increments each falling on 5th of December each year. But after sanction of one increment, the workman reached the maximum scale for which he was not entitled for any other increment. Besides as per the punishment given to the workman in the earlier proceedings (vide Ext. 29/1) his pay was reduced by 5 stages consequent upon which the pay was refixed in the maximum of the down graded post and as such he was also not entitled to get any further increment for 1997. Since this averment of the Management speaks of a different dispute of some other kind, the payment of increment for 1997 cannot be made a ground to say that the Management was bias in not sanctioning such increment.

Items (d), (e) and (f).

It is on record that for payment of arrear salary, return of N.S.C. certificate on which he had taken some loans years back, and for payment of his increment and other dues the workman used to make repeated representations during his service period. The letter dated 5-9-2000 (Ext.-H) of the Dy. Chief Manager, Berhampur having contact over the Bissam Cuttack Branch reflects that even after the discharge of the workman from service the above dues have not been settled. It also discloses that during the period of suspension pending the enquiry in question the workman was not paid his subsistence allowance for April and May 1998 with the pretext that the same is liable to be adjusted against some excess salary drawn in the past. Therefore with these aspects and the other aspects which has been dealt with earlier under item (a) and (b), the bias attitude of the Management towards the workman cannot be ruled out.

12. According to the allegations of the Management the workman had allowed over drawal on 14-10-97 and on the following day he had redeposited the amount in the bank where-after he was issued with a show cause by the Branch Manager for the first time on 8-12-97 vide Ext.-A. It is the common knowledge that no bank keeps its daily transaction unchecked for days together. It is normally cross checked at the end of each day to get its various transactions tallied. Therefore the issuance of the show cause to the workman about two months after the alleged transactions vide Ext.-A smells totally fishy. The explanation of the workman given to the charge-sheet shows that the workman had initially given a reply to the show cause of the Branch Manager (Ext.-A) but the said reply has been suppressed by the Management. When admittedly the workman has deposited the differential over drawal amount in the following day it gives an inkling, as claimed by the workman, that he was possibly permitted by the Branch Manager to allow such over drawal on the relevant day as otherwise he would not have deposited the differential

over drawn amount in the account of a customer. Therefore, the issuance of the first show cause notice by the Branch Manager about two months after such transaction and the charge three months thereafter look like a mysterious act on the part of the Management leading to the conclusion that the same have been done in a bias attitude.

13. Now coming to the fairness of the domestic enquiry, Para. 17.12(d) of the settlement dated 14-12-1966 (Ext.-1) between the Management and the Union prescribes that if the representative defending the delinquent-workman is an employee of the same bank at an outstation branch within the same state, he shall be relieved on special leave (on full pay and allowances) to represent the employee and be paid one to and fro fare. The class of fare to which he will be entitled would be the same as while travelling on duty. In case, of any adjournment at the instance of the bank/enquiry officer, he may be asked to resume duty and if so, will be paid fare for the consequential journey. He shall also be paid full halting allowance for the period he stays at the place of the enquiry for defending the employee as also for the days of the journeys which are undertaken at the bank's cost. Thus from the above settlement it is crystal clear that, it is for the Management to pass an order permitting an employee of the bank to defend the delinquent workman at the cost of the bank. In other words it prescribes that unless a person is permitted by the bank, his journey will not be treated as duty nor he would be entitled to get his TA, DA and halting charges. Therefore, it is always the duty of the bank to allow such person to defend the delinquent in a departmental proceeding. From the proceedings dated 20-11-1998 marked Ext.-6 it transpires that the workman was never questioned as to whom he prefers to engage as his defence representative. Rather on the other hand when the workman wanted to take time on that day on the ground that his defence representative has not turned up, the enquiring officer deferred the proceeding till the afternoon. In the afternoon when the delinquent workman stated that his representative Mr. M.R. Pattnaik who was attached to Berhampur Branch as a Clerk is unable to attend on that day, the enquiring officer closed the case of the workman and allowed the representative of the Management to adduce evidence, and then adjourned the case to the next day. On that day he proceeded to record the remaining part of the evidence of the Management Witness and then asked the delinquent-workman to cross examine the witness. At this when the workman sought further adjournment stating that his representative is unable to attend because of his ill health, as ascertained over telephone, the enquiring officer without being satisfied on the above submission of the delinquent-workman closed his case and submitted his report. It be mentioned here that, when under the above quoted agreement 17.12(d) it is for the Management to permit an employee to be the defence representative of a delinquent, the enquiry officer was not justified in closing the case forthwith without

resorting to the above provisions. On the submission of the workman that his defence representative is not able to attend the enquiry for some reasons or other, the enquiring officer should have asked the concerned representative to come down on official duty to defend the delinquent instead of closing the proceeding forthwith hastily. When under the agreement the defence representative is entitled to get TA, DA and halting charges of his journey it is obvious for such representative not to attend the proceeding merely on the request of a delinquent. Therefore, the enquiring officer should not have closed the case of the delinquent workman on the very day ignoring his request for an adjournment.

14. Further, after going through the above settlement it is gathered that, in cases of charges of minor negligence it is open to the disciplinary authority not to resort to start a departmental proceeding against an employee concerned. He can punish such employee without a regular enquiry being conducted but in case of a major negligence warranting major punishment an enquiry is to be held by appointing an enquiry officer. Keeping in view the above provisions, the disciplinary authority under agreement 17.14 have been given the discretion either to conduct the enquiry himself or appoint another officer as the enquiring officer for the purpose of conducting such enquiry. This provision does not mean that the disciplinary authority can conduct himself as an enquiring officer in cases where the delinquent is likely to get major punishment but as I find from the instance case the disciplinary authority himself has acted as the enquiring officer, all suggesting that, the Management was biased towards the delinquent-workman.

15. Further Item-21 (o) of the 6th Bi-partite settlement dated 14-2-1995 (Ext.-G) shows that, the punishment prescribed under the settlement of 1966 in respect of major punishment has under gone a change. According to the same as reflected against Item No. 21 (o) of the above settlement of the 1995 an employee found guilty of gross misconduct may be compulsorily retired/removed from service/discharged with superannuation benefits as would be deemed otherwise at that stage and without disqualification from future employment. But contrary to the same the disputant-workman has been punished in the order of discharge (Ext.-17) in the following words:

As the charges held proved are grave in nature, your suspension period will not be treated as one spent on duty and you will not be entitled to any other emoluments including notional increments, if any, except the subsistence allowance already paid to you.

16. This order of punishment thus shows that while passing the above order the Management has deliberately omitted to give the superannuation benefits to the disputant-workman. Rather in the same order, the Management is found to have tried to deprive the disputant-workman from getting his notional increment and other supposed benefits

to foreclose his other remedial measures. Thus the very order of the punishment is found to have been passed mala fide, out of personal ill will or malice as claimed by the disputant-workman. It is the settled law that, if the action of the Management is found to have conceived with an intention to victimize the workman or otherwise by way of unfair labour practice, such action would be mala fide and shall be liable to be struck down even though it can otherwise be justified on the basis of contract of service and the rules of service or by any other material in support of the charges. It is also the settled law that an inference of mala fide is also permissible where before holding of the enquiry it appears that the Management had already made out its mind to punish the workman and the matter stood prejudged. A mala fide action cannot be validated merely because it may be justified either with reference to the contract of service or on the basis of materials relevant to the charges of misconduct. Thus I am constrained to hold, for the various discussions made earlier, that every action of the Management right from the day the workman was punished in an earlier departmental proceeding down to the present proceeding being of mala fide and bias in nature, the impugned order of punishment dated 11-6-1999 (Ext.-17) is liable to be set aside in entirety without examining the remaining issues, and as such the same is declared bad and inoperative in the eyes of law.

17. Thus in the conclusion it is held that the entire action of the Management discharging the disputant-workman from service is bad under law and as such I direct the Management to reinstate the workman in service with full back wages from the date of his discharge together with compensation of Rs. 20,000/- towards his sufferings. He should be given continuity of service and other service benefits as available to his counter-part co-workers.

18. The reference is answered accordingly.

Dictated and Corrected by me.

N.K.R. MOHAPATRA, Presiding Officer

LIST OF WITNESSES EXAMINED ON BEHALF OF THE 2nd PARTY-WORKMAN.

W.W. No.1 - B. Ramesh Chandra.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 2nd PARTY-WORKMAN.

Ext.-A—Copy of the letter dated 8-12-1997 of Indian Overseas Bank to Shri B. Ramesh Chandra.

Ext.-B—Postal acknowledgement.

Ext.-C—Copy of letter dated 22-2-1999 of Enquiry Officer.

Ext.-D—Copy of letter dated 27-2-1999 of Enquiry Officer.

Ext.-E—Copy of letter dated 24-7-2000 of Appellate Authority.

Ext.-F—Copy of letter of B. Ramesh Chandra to the General Manager, Vigilance Department, IOB, Central Office, Chennai.

Ext.-G—Copy of the bipartite settlement of the year 1995, dated 14-2-1995.

Ext.-H—Copy of letter dated 5-9-2000 of the Management.

LIST OF WITNESSES ON BEHALF OF THE 1st PARTY MANAGEMENT

M.W. No.1 - Shri K.N. Tyagarajan.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 1st PARTY-MANAGEMENT

Ext.-1—Copy of the bipartite settlement dated 14-12-1966.

Ext.-2—Copy of the charge sheet-cum-suspension order issued to the workman dated 19-3-1998.

Ext.-3—Copy of the reply of the workman to the Management on the charge sheet dated 19-3-1998.

Ext.-4—Copy of the order for enquiry against the workman dated 7-8-1998.

Ext.-5—Copy of the letter of request for adjournment of the workman to the Management.

Ext.-6—Copy of the proceedings dated 20-11-1998, 21-11-1998 and 15-2-1999 (10 pages).

Ext.-7—Copy of the forwarding letter dated 22-2-1999.

Ext.-8—Copy of the written brief of the Presenting Officer dated 22-2-1999.

Ext.-9—Copy of the forwarding letter of Management dated 27-2-1999.

Ext.-10—Copy of the letter of the workman, dated 15-3-1999.

Ext.-11—Copy of the telegram dated 31-3-1999.

Ext.-12—Copy of letter of the workman dated 6-4-1999.

Ext.-13—Letter of the enquiry officer dated 13-4-1999 to the workman (Xerox copy).

Ext.-14—Copy of the written note dated 22-4-1999 submitted by the workman.

Ext.-15—Copy of the findings of the enquiry officer dated 29-4-1999.

Ext.-15/1—Copy of the forwarding letter of Management dated 28-5-1999.

Ext.-16—Copy of the statement of the workman and his representative dated 10-6-99.

Ext.-17—Copy of the order of discharge issued to the workman on 11-6-1999.

Ext.-18—Copy of the appeal Memo of the workman dated 21-10-1999.

Ext.-18/1—Copy of the orders of the appellate authority dated 9-2-2000.

Ext.-19—Attendance register for the period from Jan. 1994 to Dec. 1997.

Ext.-20—Attendance register for the period from Jan. 1998 to Dec. 1999.

- Ext.-21—Copy of entries dated the cash scroll 14-10-1997 and 15-10-1997 for the period 8-9-1997 to 30-5-1998.
- Ext.-22—Copy of the relevant extract of the receiving counter cash book relating to 14-10-97 and 15-10-97 against folio Nos. 212 and 213.
- Ext.-23—Copy of the relevant extract of the receiving counter cash book relating to dated 15-10-1997.
- Ext.-24—Copy of the relevant extract of SB supplementary against folio Nos. 296, 297 dated 14-10-1997.
- Ext.-25—Copy of the relevant extract of SB supplementary against folio Nos. 298, 299 dated 15-10-1997.
- Ext.-26—Voucher bundle of 14-10-1997.
- Ext.-27—Voucher bundle of 15-10-1997.
- Ext.-28—Copy of the extract of Folio No. 290 of SB Ledger relating to SB account No. 2505.
- Ext.-29—Copy of charge sheet dated 24-12-1994 issued to the workman.
- Ext.-29/1—Copy of letter referring dated 12-10-1994 and charge-sheet dated 24-12-1994, letter issued to the workman on 18-1-1996.
- Ext.-30—Copy of bank circular 19-7-2006.
- Ext.-30/1—Copy of bank circular dated 19-7-2006.
- Ext.-31—Copy of bank circular dated 19-7-2006.
- Ext.-31/1—Copy of bank circular dated 19-7-2006.
- Ext.-32—Copy of the notice dated 4-1-1999 intimating the next sitting of the proceeding of 15-2-1999 to the workman.

नई दिल्ली, 19 दिसम्बर, 2007

का.आ. 80.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ोदा के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 75/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2007 को प्राप्त हुआ था।

[सं. एल-12011/29/2004-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2007

S.O. 80.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2004) of the Central Government Industrial Tribunal/Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda, and their workmen, which was received by the Central Government on 19-12-2007.

[No. L-12011/29/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI. I. D. No. 75/2004

IN THE MATTER OF:

Shri Azad Singh,
C/o The General Secretary,
Bank of Baroda Employees Union,
C/o BOB, 4824/24, Ansari Road,
Daryaganj, New Delhi - 110002.

VERSUS

The General Manager,
Bank of Baroda,
Regional Office, 16, Parliament Street,
New Delhi - 110001.

AWARD

The Ministry of Labour by its letter No. L-12011/29/2004-IR(B-II) Central Government dt. 31-05-2004 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Bank of Baroda in regard to stoppage of two increments without commulative effect vide order dated 12-2-2002, of Shri Azad Singh, Head Peon is just, fair and legal? If not, what relief the workman is entitled to?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the Bank of Baroda a Nationalised Bank with Head Office at Mandvi Barod (hereinafter referred to as the Bank) is having Several Branches in Delhi. Besides, the Bank is having a Zonal Office, two Regional Offices, a Zonal Inspection Centre and a Regional Training Centre in Delhi. The Zonal Office controls the functioning of the various Regional Offices situated in Delhi and Chandigarh Region of the Bank. The two Regional Offices in Delhi control the Administration and functions of the branches of the Bank in Delhi. The branches of the Bank in Delhi are divided between the two Regional Offices for administrative purpose. These Regional Offices are known as Regional Office DMR-I and Regional Office DMR-II.

That the workman Shri Azad Singh is a permanent employee of the Bank and at present posted as Head Peon at Karol Bagh, Delhi branch of the Bank. Shri Azad Singh is a member of Bank of Baroda Employees Union, Delhi. The Union is registered with Registrar of Trade Unions, Delhi under the Indian Trade Unions Act, 1926.

That the workman was earlier posted as Daftry at Zonal Office, New Delhi. That while posted at Zonal Office, the workman was served with a transfer order bearing No. GM:NZ:OM:ZM;73:506 dated 2-5-2001 issued by the

Assistant General Manager, Zonal Office, New Delhi to report at Regional Office, DCR-I, New Delhi for further posting. The workman accepted the letter and was required by the officials of Zonal Office to give his acknowledgement on the Office Copy. However, while the original transfer order had the instructions for his further posting by the Dy. General Manager (DCR-I) but on the office copy the Zonal Office had already given their instructions for his further posting at K. G. Marg Branch whereas as per the practice the further posting of the workman was to be decided by the Regional Office only. The workman was highly perplexed to find these abnormal instructions on the office copy. The workman having received the original order protested over the unusual way of the instructions written on the office copy and as a mark of protest wrote the word 'REFUGE' in Hindi, on the office copy.

That it is submitted that there is a practice that the posting and transfer of Award Staff attached with the Regional Office is decided and done by the Regional Office for the branches falling under respective Regions. However, in the case of the workman, his posting was decided by the Zonal Office in most unusual manner with oblique motives to harass the workman. Hence it is a case of not only victimization but it would also amount to unfair labour practice.

That it is submitted that the transfer order served on the workman on 2-5-2001 was duly accepted by the workman. The workman, however, could not report for duties at Regional Office DCR-I on 3-5-2001 as he developed severe chest pain on 2-5-2001 itself and was sick from 3-5-2001 to 10-5-2001. The workman reported for duties on 11-5-2001 at Regional Office DCR-I, New Delhi. He also submitted his application along with the Medical Certificate issued by the Hospital Authorities. Upon reporting at Regional Office DCR-I, he submitted the transfer letter served on him by Zonal Office, to the officials of Regional Office. The Regional Office issued a letter on 11-5-2001 for posting him at K.G. Marg Branch the branch which was already decided the duties at K.G. Marg Branch. The branch which was already to the Staff Department at Zonal Office where the workman was posted requesting for leave from 3-5-2001 to 9-5-2001 for attending a marriage in the family in his native village and accordingly he proceeded on leave on and from 3-5-2001 for the marriage ceremony in his village, which was the normal practice at that time. The workman came back from his village on 11-5-2001 and reported for duties at Regional Office DCR-I on 12-5-2001. Upon his reporting at Regional Office, he submitted the transfer letter served on him by Zonal Office to the Officials of Regional Office. The Regional Office issued a letter on 11-5-2001 for posting him at K.G. Marg Branch. The branch which was already decided by the Zonal Office. The workman accepted the posting orders and joined the duties at K.G. Marg Branch. The instructions of the Regional Office were thus complied with. The

Regional Office served another letter dt. 9-5-2001 to 11-5-2001 to the workman advising him that his absence from 3-5-2001 to 9-5-2001 was not treated as unauthorized absence. The workman submitted the reply dt. 11-5-2001 and stated that as he was sick from 3-5-2001 to 10-5-2001 he could not attend the duties. The workman also submitted the Medical Certificate from the Hospital in support of his sickness.

That there was no complaint about the work and conduct of the workman while posted at K.G. Marg Branch by the branch Authorities. The salary and other leave particulars of the workman were also sent to the said branch by the Zonal Office. The workman received full salary for the months of May, 2001 to January, 2002. That the workman was issued a chargesheet dated 1-8-2001 by the Deputy General Manager (DCR-I). The chargesheet contained the following allegations :

"By refusing on 2-5-2001 to accept the official communication addressed to you concerning your transfer to DCR-I, you have shown in subordination to lawful instructions of the management which constitute gross misconduct under clause 19.5. (e) of Bipartite Settlement, 1966.

By refusing to accept official communication regarding your transfer to DCR-I and continuing unauthorized absence thereafter, you have committed acts prejudicial to the interest of the Bank, which constitutes gross misconduct under clause 19.5. (j) of Bipartite Settlement, 1966.

By remaining on unauthorized absence from 3-5-2001 to 10-5-2001, you have committed minor misconduct under clause 19.7 (a) of Bipartite Settlement, 1966."

That the Bank Management did not call for the explanation/reply of the workman to the above chargesheet but straight away constituted a departmental enquiry and thereby violated Clause 19.1 of Bipartite Settlement. In the chargesheet itself, the Disciplinary Authority appointed one. Shri S. P. Gupta, Senior Branch Manager, Bhajanpura branch as the Enquiry Officer to hold the Departmental Enquiry against the workman. No reasonable opportunity was given to the workman to submit his reply to the chargesheet as is envisaged in Clause 19.1 of the Bipartite Settlement, 1966. The Disciplinary Authority had taken all these decisions to hold the enquiry and punish the workman without affording reasonable opportunity to the workman of submitting his reply to it. It is further submitted that the Disciplinary Authority further mentioned in the chargesheet that the workman may submit his reply to the chargesheet directly to the Enquiry Officer. It is submitted that contrary to the provisions of Clause 19.1 of Bipartite Settlement, the Disciplinary Authority instructed the workman to submit his reply to the Enquiry Officer who has been appointed for the purpose of conducting the Enquiry Proceedings and give his findings. The Disciplinary Authority bypassed the prescribed rules of the Bipartite Settlements

with pre-determined notions to punish the workman. Hence the entire disciplinary action is vitiated.

That the Enquiry Officer conducted the Enquiry into the chargesheet dated 1-8-2001 and rendered his findings dated 27-12-2001 holding all the three charges proved against the workman. The Disciplinary Authority passed the order dated 12-2-2002 imposing the punishment of stoppage of two increments of the workman without cumulative effect. The workman preferred an appeal dated 10-4-2002 challenging the order of the punishment dated 12-2-2002. However, the Appellate Authority rejected the appeal of the workman vide his order dated 21-6-2002.

That it is submitted that the Service Condition of the Bank Employees is governed under the provisions of Bipartite Settlement 1966. The procedure for Disciplinary Action is also laid down in the said settlement.

That it is submitted that the Enquiry constituted against the workman related to the chargesheet dated 1-8-2001 is alleged refusal of the workman to receive the official communication dated 2-5-2001 issued by the Zonal Office regarding his transfer to Regional Office DCR-I and his unauthorized absence from 3-5-2001 to 9-5-2001. It is in evidence that the workman did accept the letter/order dated 2-5-2001 on 2-5-2001 evening itself when tendered to the workman. The Exhibit DE-1 was produced and also proved in the enquiry. It is submitted that Exhibit DE-1 is a copy of order of transfer dated 2-5-2001. Hence it can not be said that the allegation of refusing to accept communication dated 2-5-2001 was proved. There was no evidence to prove the allegations still the Enquiry Officer found it to be proved. This is contrary to the evidence on record. Hence the findings are perverse.

That the allegation of unauthorized absence of the workman from 3-5-2001 to 9-5-2001 is also false. It is submitted the workman was sick and unable to attend the duties under Medical advice. The Medical Certificate of the workman was also not challenged by the Bank. There was no evidence led by the Management in the Enquiry to prove the allegation, as alleged in the Chargesheet. Hence, the findings dated 27-12-2001 holding all the charges proved against the workman are perverse. The Enquiry was farce and a sham show. The enquiry findings are, therefore, perverse.

That the Deputy General Manager (DCR-I, Regional Office, New Delhi vide letter dated 29-12-2001 forwarded a copy of the Findings of the Enquiry Officer which were received by the workman on 11-2-2002. The workman submitted his reply dated 14-1-2002 on the Enquiry Report through proper channel. However, the Deputy General Manager and the Disciplinary Authority without waiting for the reply of the workman proposed the punishment of stoppage of two increments with cumulative effect for all the charges and communicated the same to the workman vide order dated 10/15-1-2002. The workman submitted a

letter dated 31-1-2002 in reply to the order dated 10/15-1-2002 of the Deputy General Manager (DCR-I). The workman in his letter pointed out that the proposed punishment letter was prepared on 10-1-2002 and as to how the Disciplinary Authority could have considered the points of the letter dated 14-1-2002 of the workman 4 days before it was delivered to the authorities. The management thus made a mockery of the Enquiry which was more of a formality rather than intended to give a fair opportunity of defence to the workman. This was a total negation of the principles of Natural Justice. This act of the Management is tantamount to unfair labour practice. The workman in his letter dated 31-1-2002 further pointed out that in fact as per charge sheet there were two charges & not three for which the Disciplinary Authority had proposed the punishment. The workman further elaborated that charge No.2 contained the charges as mentioned in Charge No.1 and Charge No.3. Thus the three charges framed against the workman could not have been in the chargesheet. The Disciplinary Authority did not apply his mind when he framed the charge sheet. Hence the disciplinary action is bad in law on account of Non-application of mind apart from being nonspeaking. The workman further pointed out that the Disciplinary Authority had not considered the submissions made by the workman in his letter dated 14-1-2002. The workman further point out that the Disciplinary Authority had not given any reasonings as to how and on what evidence the Disciplinary Authority had arrived at the conclusion that the charges against the workman stood proved. However, the Disciplinary Authority brushed aside the submissions of the workman made in the representation dated 31-1-2002 and passed the final order dated 12-2-2002 by modifying the punishment of stoppage of two increments without cumulative effect. The Disciplinary Authority mechanically passed his final order without dealing with the points of the workman. The Disciplinary Authority in his final order clubbed all the three charges and passed the punishment in a mechanical way. The Disciplinary Authority failed to value and carefully examine the submissions made by the workman in his letters dated 14-1-2002 and 31-1-2002 and thereby failed to apply his mind. The punishment of stoppage of two increments is in gross violation of the provisions of the Bipartite Settlement. The Disciplinary Authority has thus transgressed his authority in imposing the punishment on the Workman. This too is indicative of pre-determined mind.

That against the order dated 12-2-2002 the workman preferred an appeal dated 10-4-2002 to the Appellate Authority, General Manager, Zonal Office, New Delhi. The workman in his appeal submitted that the Disciplinary Authority had erred in holding the charges against the workman as proved. The Disciplinary Authority did not give any reasonings as to the points raised by the workman in his letters dated 14-1-2002 and 31-1-2002. The charge

No. 2 i.e. allegation of unauthorised absence is not a 'Gross Misconduct' under the Bipartite settlement. Failure to give any reasoning by the Disciplinary Authority showed non-application of mind. The alleged misconduct of refusing to accept communication is contrary to Bank's circular, dated 12-3-1981 and hence it is not "Misconduct".

That the Appellate Authority also failed to consider the submissions made by the workman in his appeal and rejected the appeal of the workman vide order dated 21-6-2002 mechanically. Thus the order of Appellate Authority is non-speaking and result of non-application of mind.

That in the light of above submissions, the action of the Management of the Bank in awarding the punishment to the workman is illegal and invalid on the following grounds among others :—

That the action of the Bank Management in constituting the Enquiry directly without calling for reply or explanation to the chargesheet is violative of clause 19.1 of the Bipartite Settlement and pre-determination of mind by Disciplinary Authority. Thus the enquiry held against the workman is illegal, invalid and in violation of the principles of natural justice.

That the findings of the Enquiry Officer in holding the charges 'proved' against the workman are perverse without there being any evidence. The Enquiry Officer acted in a partisan manner to Prove the charges against the workman. By the above act, the Enquiry Officer has failed to discharge his duties as an impartial persons and the findings rendered by him cannot be said to be fair and reasonable.

That the Disciplinary Authority imposed the punishment vide order dated 12-2-2002 on the basis of Enquiry Officers findings, which are perverse, and hence the order of Punishment is invalid and bad in law. The Disciplinary Authority did not consider the submissions of the workman contained in his letters dated 14-1-2002 and 31-1-2002. The Disciplinary Authority did not give reasons in his order dated 12-2-2002 as to how and on what evidence he came to the conclusion that the charges against the workman were proved. The order of the Disciplinary Authority is not a speaking order. Thus the Disciplinary Authority acted with closed mind and in a partisan manner to punish the workman. There was no misconduct on the part of the employee as he had accepted the letter. Had he not accepted the letter of his transfer from Zonal Office, he would not have been allowed by the Regional Office to report for duties and also he could not have produced the copy of the said letter in the course of Enquiry Proceedings in token of his acceptance of the original letter. In spite of the fact that there was no misconduct on the part of the workman, the Disciplinary Authority imposed the punishment. Even the Appellate Authority did not consider the submissions of the workman made in his appeal. The Appellate Authority vide

his order dated 21-6-2002 while rejecting the appeal of the workman did not give any reasons as to why he has not found the points raised by the Appellate as valid and the reasons for rejecting the appeal. The orders dated 12-2-2002 and 21-6-2002 passed by the Disciplinary Authority and the Appellate Authority reflect non-application of mind. The orders are thus invalid, illegal and unsustainable in law. The punishment imposed on the workman is irrational, unreasonable and untenable in law which even otherwise could not have been imposed, as the charges were not proved. Imposing multiple punishment as is being done by the management is illegal, invalid and unsustainable in law.

The Management has filed written statement in the written statement it has been stated that the instant reference, in the terms specified therein for adjudication of this Hon'ble Court, could not have been validity made by the government by virtue of Doctrine of Merger in that on the merger of Disciplinary Authority's order dated 12-02-2002 with the Appellate Authority's subsequent orders dated 21-06-2002 there was no such order dated 12-02-2002 surviving on the date of reference and consequently no dispute or difference in respect thereof was also existing requiring any adjudication. The order of reference has thus been made by the Government arbitrarily in excess of reference making powers vested in it u/s 10 of the ID Act.

For that in view of the reason stated in the preceeding para, and also on union's showing, what has been referred by the Government for adjudication of this Hon'ble Court is not the real dispute or difference in the admitted facts and circumstances which could have been referred for adjudication, if at all; the Government has thus made the instant order of reference without application of mind.

For the reason stated in the preceding paras, the scope of this Hon'ble Court's power and jurisdiction to entertain an invalid order of reference is circumscribed. Any proceedings held by this Hon'ble Court would thus be a nullity in the eyes of law. It is the contention of the management this Hon'ble Court be pleased to hold and declare the instant order of reference as invalid.

It is denied that the workman concerned is an employee of the Bank herein. All other submissions of the union are however denied for want of knowledge, it is denied that the workman concerned is a member of the contending union or that the union herein is a duly registered trade union with the Registrar to Trade Union, Delhi or that the contending union had espoused the cause of the concerned workman and transformed the same as an industrial dispute within the ambit and scope of the terms defined u/s 2(K) of the ID Act. The union is thus liable to be put to strict proof in that behalf.

There is no denying the fact that upto 02-05-2001 the concerned workman was posted in the Bank's Zonal Office and that on 02-05-2001 he was served with a transfer Order

No. GM:NZ:OM:ZM:73:50 of even date transferring him from the Zonal Office to Regional Office, DCR-I (now DMR-I) and also simultaneously specifying the Bank's branch at Kasturba Gandhi Marg Branch, New Delhi, under administrative superintendence of DMR-I, as his place of posting and duty w.e.f. 03-05-2001. There is also no denying the fact that the management's aforesaid orders were served on the workman on 02-05-2001 itself and there was no piquity or difficulty on the workman's part to give effect to the same and yet, curiously enough, the workman deliberately disobeyed and flouted management's those just and lawful orders and reported on duty in the specified branch only w.e.f. 12-5-2001 after remaining unauthorisedly absent from 3-5-2001 thereby committing an act of grave misconduct amounting to an act of insubordination too.

It is stated that the transfer and posting orders of the workman did not suffer either from any illegality or unjustifiability or impropriety as they were neither issued by any incompetent authority nor were they neither issued by any incompetent authority nor were they incomprehensible incapable of being understood in effect and content nor they were issued with any bias or malafides as has been assumed by the union. The Hon'ble Court would kindly appreciate that an employee's transfer and posting at any particular work place cannot be invalidated by how far or how less there is distance between his place of residence and place of posting.

From the Union's own submissions in para 6 of the SOC it is explicit that instead of reporting of duty w.e.f. 03-05-2001 at the Branch in question under transfer and posting orders dated 03-05-2001, the workman had unauthorisedly remained absence from duties from 03-05-2001 and he reported on duty only on 11-05-2001. It is stated that in law an employee can be deemed to be on leave of absence only when the leave applied for by him have been granted by the competent authority and not otherwise. In the case of the workman concerned in the instant case, he was not on leave of absence but was unauthorisedly absent from his duties in defiance of orders and thus he has been guilty of not only remaining absent from duties but of committing an act of insubordination. The Hon'ble court would kindly appreciate that subsequent grant of leaves and regularization of the period of absence won't obliterate the misconduct of having unauthorisedly remaining absent from duties. It is stated that in law no sick leave can be granted unless the same are supported with medical certificates when reporting on duty. In terms of clause in Para IX(4) of the BPS dated 17-09-1984 all sick leave shall be granted on production of a medical certificate acceptable to the Bank. As per BPS para 13.6, leave of all kinds cannot be claimed as of right. When the exigencies of the service so require discretion to refuse or revoke leave of any description is reserved to the authority granting it. Further as per para 13.5 no leave or extension of leave shall be deemed to have been granted

unless an order to that effect is passed and communicated to the employee concerned. From the above submissions it is clear that the workman has violated laid down norms for seeking sanction of leave from his superiors and proceeded to remain absent without prior sanction of leave.

It is stated that the entire disciplinary action of the management is legal and does not suffer from any legal or procedural infirmity. The Union's averments have no sanction of law. Be that as it may, if after trying the validity and propriety of departmental enquiry as a preliminary issue the Hon'ble court finds that the enquiry suffers from any procedural irregularity, the management craves liberty to adduce additional evidence to justify their action.

It is however reiterated that in view of appellate orders, the specified terms of reference vis-a-vis order of reference are incapable of being adjudicated upon by this Hon'ble Court.

It is stated that besides various Bipartite Settlements including 1966 BPS, the service conditions of the workmen category or the Awards Staff employees of the Bank are also regulated by the terms of two All India Awards known as Sastry Award and Desai Award.

It is stated that the management's action taken against the workman for the charges alleged against him and proved, is legal, just and proper.

That the workman preferred an appeal against Disciplinary Authority's orders dated 12-02-2002 and that the Appellate Authority, vide his orders dated 21-06-2002, dismissed the workman's appeal being without any merit. Union's rest of the assumptions or submissions or contentions or allegations are bereft of substance or merit and are otherwise without any sanction of law and hence untenable. On the contrary, the entire action of the management is just, and proper and sanction of precedents of law.

The grounds set up by the union in sub-paras (i), (ii) and (iii) of para 16 are based on legal misconceptions and ignorance of law and thus cannot be urged to assail the management's action taken against the workman. The enquiry has been held by the enquiry officer strictly in compliance of natural justice, findings of enquiry officer are based on evidence on record and the punishment imposed by the management is just and proper.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the transfer order served on him on 02-05-2001 was duly accepted by the workman. He could not report for duties at

Regional Office, DCR: 1 on 03-05-2001 as he developed chest pain on 02-05-2001 and was sick from 03-05-2001 to 10-05-2001. The workman reported for duties on 11-05-2001 at R.O. DCI - 1, New Delhi. He also submitted his application along with medical certificate issued by the Hospital authorities.

He complied with the instructions of the Regional office. The Regional Office served another letter to the workman stating therein that his absence from 03-05-2001 to 10-05-2001 was treated as unauthorized absence. The workman submitted his reply along with medical certificate in support of his sickness.

It was further submitted that the findings of the Inquiry Officer are perverse. The Inquiry Officer acted in a partial manner and his findings are not fair and reasonable. The Disciplinary Authority also imposed punishment without considering the submissions made by the workman. The order of the Disciplinary Authority is not a speaking order. The Disciplinary Authority acted with closed mind and biased manner to punish the workman. The workman has accepted transfer order and after availing leave he has joined duty to his transferred place. It was submitted from the side of the management that the workman wrote "refuse" on the transfer order and he absented from 03-05-2001 to 10-05-2001. He reported to the place of his posting on 11-05-2001. He did not get prior leave sanctioned. His leave was cancelled by order dated 09-05-2001 still he did not resume his duties. The workman has been given full opportunity during the inquiry proceedings. He has signed every page of the inquiry proceedings.

It was submitted from the side of the workman that chargesheet was served on him against 19.1 of the BPS as no reply or explanation was taken from the workman. The management should have called for explanation and after considering the explanation chargesheet can be served in view of Clause 19.1 of the BPS. Thus, the inquiry is illegal.

It was submitted from the side of the management that the workman wrote "refuse" on the transfer order and he absented from 03-05-2001 to 11-05-2001. He reported to the place of his posting on 12-05-2001. He did not get prior leave sanctioned. His leave was cancelled by order dated 09-05-2001 still he did not resume his duties. The workman has been given full opportunity during the inquiry proceedings. He has signed every page of the inquiry proceedings.

It transpires from perusal of the record that 3 charges were framed against the workman. These charges are as under :

1. By refusing on 02-05-2001 to accept the official communication addressed to you concerning your transfer to DCR-I, you have shown insubordination to lawful instructions of the management which constitutes gross misconduct under clause 19.5(e) of the BPS, 1966.

2. By refusing to accept official communication regarding your transfer to DCR-I and continuing on unauthorized absence thereafter, you have committed acts prejudicial to the interest of the bank which constitutes gross misconduct under clause 19.5 (j) of BPS, 1966.
3. By remaining on unauthorized absence from 03-05-2001 to 10-05-2001, you have committed minor misconduct under clause 19.7(a) of the BPS, 1966.

It further transpires from perusal of the record that while posting at Zonal Office, the workman was served transfer order dated 02-5-2001 issued by the AGM, Zonal Office, New Delhi to report to Regional Office DCR-I Delhi for further posting. The workman received the order and protested over unusual way of instructions written on the office copy and as a mark of protest wrote the word "refuse" in Hindi on the office copy. The workman moved application for leave from 03-05-2001 to 10-05-2001. There was no sanction on his leave application. The leave application of the workman was rejected on 09-05-2001 and intimation was sent to him subsequently still he joined the place of his posting on 11-05-2001 after two days of receiving of the order of rejection of leave.

The Inquiry officer has found all the charges proved. The workman has filed particulars of his payment and it becomes quite evident from perusal of the payments that he has received full wages for the period for which he applied for leave. In case the workman has obtained full wages for his alleged period, the charges of unauthorized absence are not proved. The findings of the inquiry officer are not correct in this respect.

It appears that the application of the workman was subsequently considered by the management and leave was sanctioned to him so the charges of unauthorized absence should not be proved by the Inquiry Officer.

The workman has admitted in his cross examination that he accepted the transfer order but he did not join at the place of transfer because of his illness. The management has filed MW 1/1, the transfer order dated 02-05-2001, the workman has written the word "refuse" on it on 02-05-2001 and has put his signature, so when the transfer order was given to him he wrote the word "refuse" in Hindi.

The workman is not found guilty of unauthorised absence as full payment to him has been made, so charge No. 2 and 3 are not found proved. Charge No. 1 is regarding insubordination. The workman has admitted in his claim statement that he did write "refuse" in Hindi on the copy of the transfer order. Thus, it is admitted by the workman that he wrote the word "refuse" on the copy of the transfer order. Though he received transfer order, the writing "refuse" on the copy of the transfer order amounts to insubordination of the lawful instructions of the

management and it constitutes gross misconduct under clause 19.5 (e) of the BPS, 1966.

From perusal of the inquiry report it becomes quite obvious that the workman has been given fair opportunity and the inquiry officer has considered all the aspects of the case and he has found charges proved after proper analysis of evidence. Since the workman has been made payment of the period of his unauthorized absence it cannot be said that he was unauthorisedly absent. The workman has written the word "refuse" in Hindi on the transfer order dated 02-05-2001. The transfer order has been passed by the competent authority and it is not necessary that a workman should be given posting near his residence. No evidence is required for the act of insubordination as the workman has himself admittedly written in his own handwriting the word "refuse" in Hindi and has joined after a period of 8 days to his transferred place. It indicates his defiant and rebellious attitude.

It is of course true that the workman fell seriously ill and he submitted leave application with medical certificate of a Government hospital. It is a good ground for accepting this leave application. The act of writing "refuse" in Hindi in his own handwriting and putting his signature thereunder is a sufficient proof that he disobeyed the instructions and acted in an indisciplined way. His writing the word "refuse" discloses his defiant attitude and insubordination. No evidence is required in view of his admission of writing the word "refuse" on the copy of the transfer order itself. He has been given sufficient opportunity during the course of inquiry. The inquiry does not stand vitiated however, charge No. 2 and 3 are not found proved in view of serious illness of the workman and making of payment by the management for the period of unauthorized absence.

The punishment inflicted on the workman is not harsh. He has committed act of insubordination by writing the word "refuse" in Hindi on the transfer order and he has joined the place of posting after 8 days. So charge No. 1 is found proved on his mere admission in the claim statement. He has admitted categorically that he wrote the word "refuse" in Hindi on the transfer order. The punishment imposed on the workman is not harsh or disproportionate. He wrote the word "refuse" on the transfer order and did not obey the order of the competent authority for 8 days. The management has stopped his 2 increments without cumulative effect. In the BPS such punishment is for a minor misconduct. The punishment imposed on the workman is quite appropriate.

It was submitted from the side of the management that the reference has been made regarding the order of the Disciplinary Authority imposing the punishment. The workman has filed appeal. The order of the Disciplinary Authority dated 12-02-2002 has merged in the order of the Appellate Authority dated 21-06-2002, so the order dated 12-02-2002 is no longer surviving. The order of reference has been made arbitrarily without application of mind by the appropriate Government.

It was further submitted that the order dated 12-02-2002 of the Disciplinary Authority lost its existence and become merged in the order of the Appellate Authority dated 21-06-2002, so the reference should have been made for the action of the management of the Appellate Authority dated 21-06-2002. Thus, there is no reference in the eye of law and court lacks jurisdiction to entertain an invalid order of reference. The proceedings held by this court is a nullity in the eyes of law and the reference should be declared invalid.

My attention was drawn from the side of the management to 1969 (19) 135. It has been held in this case that the original decision merges in the appellate decision. Only the appellate decision subsists and is capable of enforcement.

In the instant case there is no question of enforcement. This is for holding the order of the disciplinary authority invalid.

It has been held in AIR 1961 SC 857, AIR 1957 SC 804 that in view of the provisions of Section 7 (A) and 10 of the ID Act, 1947 the Tribunal in law is under statutory obligations to adjudicate the dispute referred to it by the appropriate Government. The Tribunal is under statutory obligation to decide this matter.

It has been held in II LLJ 1967 Syndicate Bank Vs. Ram Nath Page 1 that the date of order of dismissal is the date of the original order and not appellate order. From perusal of this case law it transpires that the date of original order is the date of dismissal. The appellate order is not the date of dismissal. The date of original order of the disciplinary authority has been challenged in this case, so the date of the appellate order is not actionable in view of the law laid down by the Hon'ble Court.

In the instant case the date of the original order is 12-02-2002. The date of the appellate order is 21-06-2002. The reference has been made for adjudicating the action of the disciplinary authority dated, 12-02-2002. In view of Syndicate Bank's case referred to above the date of order of punishment is the date of the original order and not appellate order. Hence the principle of merger is not applicable in this case.

The substantial question to be decided in this is whether the punishment is illegal or legal. In view of L L J 1967 Syndicate Bank case, the order of punishment of the disciplinary authority is the original order and not appellate order. So the reference is competent and the Tribunal has jurisdiction to adjudicate the matter in view of Syndicate Bank's case and AIR 1961 SC 857.

The appellate authority confirmed the order of the disciplinary authority. The cause of action arose on 12-02-2002 the day on which the punishment was inflicted. In view of this fact also 12-02-2002 is the material date from which the right of the workman were adversely affected.

The reference is replied thus:

The action of the management of Bank of Baroda in regard to stoppage of two increments without commulative effect vide order dated 12-2-2002, of Shri Azad Singh, Head Peon is just, fair and legal. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 17-12-2007

R. N. RAI, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2007

का.आ. 81.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 77/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2007 को प्राप्त हुआ था।

[फा. सं. एल-12011/31/2004-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2007

S.O. 81.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2004) of Central Government Industrial Tribunal-Cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 19-12-2007.

[F. No. L-12011/31/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI
PRESIDING OFFICER: R. N. RAI**

I.D. No. 77/2004

In the Matter of:—

The General Secretary,
Bank of Baroda Employees Union,
C/o BOB, 4824/24, Ansari Road, Daryaganj,
New Delhi-110002

VERSUS

The General Manager,
Bank of Baroda,
Regional Office, 16, Parliament Street,
New Delhi-110001

AWARD

The Ministry of Labour by its letter No. L-12011/31/2004-IR (B-II) Central Government dt. 31.05.2004 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management of Bank of Baroda in regard to stoppage of two increments without commulative vide order dated 12-02-2002 of Shri Rishi Pal Singh, Daftry, is just, fair and legal? If not, what relief the workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that Bank of Baroda—a Nationalised Bank—with Head Office at Mandvi Baroda (hereinafter referred to as the Bank) is having Several Branches in Delhi. Besides, the Bank is having a Zonal Office, two Regional Offices, a Zonal Inspection Centre and a Regional Training Centre in Delhi. The Zonal Office controls the functioning of the various Regional Offices situated in Delhi and Chandigarh Region of the Bank. The two Regional Offices in Delhi control the Administration and functions of the branches of the Bank in Delhi. The branches of the Bank in Delhi are divided between the two Regional Offices for administrative purposes. These Regional Offices are known as Regional Office DMR-I and Regional Office DMR-II.

That the workman Shri Rishi Pal Singh is permanent employee of the Bank and at present posted as Daftry at Chandni Chowk, Delhi branch of the Bank. Shri Rishi Pal Singh is a member of Bank of Baroda Employees Union, Delhi. The Union is Registered of Trade Union, Delhi under the Indian Trade Unions Act, 1926.

That the workman was earlier posted as Daftry at Zonal Office, New Delhi. That while posted at Zonal Office, the workman was served with a transfer order bearing No. GM:NZ:OM:ZM;73:505 dated 2-5-2001 issued by the Assistant General Manager, Zonal Office, New Delhi to report at Regional Office, DCR-I, New Delhi for further posting. The workman accepted the letter and was required by the officials of Zonal Office to give his acknowledgement on the Office Copy. However, while the original transfer order had the instructions for his further posting by the Dy. General Manager (DCR-I) but on the office copy the Zonal Office had already given their instructions for his further posting at Mayur Vihar Branch Phase-I, Delhi a very far off branch from the residence of the workman whereas as per the practice the further posting of the workman was to be decided by the Regional Office only. The workman was highly perplexed to find these abnormal instructions on the office copy. The workman having received the original order protested over the unusual way of the instructions written on the office copy and as a mark of protest wrote the word ‘REFUGE’ in Hindi, on the office copy.

That it is submitted that there is a practice that the posting and transfer of Award Staff attached with the Regional Office is decided and done by the Regional Office for the branches falling under respective Regions. However, in the case of the workman, his posting was decided by the

Zonal Office in most unusual manner with oblique motives to harass the workman as the branch decided by the Zonal Office was very far from the residence of the workman. It is further submitted that the address of the workman was with the Zonal Office and they deliberately decided his posting for the above branch with a view to victimize the workman belonging to subordinate staff cadre. Hence it is a case of not only victimization but it would also amount to unfair labour practice.

That it is submitted that the transfer order served on the workman on 2-5-2001 was in the evening. The workman had already i.e. prior to issuance of order of transfer submitted his leave application to the Staff Department at Zonal Office where the workman was posted requesting for leave from 3-5-2001 to 9-5-2001 for attending a marriage in the family in his native village and accordingly he proceeded on leave on and from 3-5-2001 for the marriage ceremony in his village, which was the normal practice at that time. The workman came back from his village on 11-5-2001 and reported for duties at Regional Office DCR-I on 12-5-2001. Upon his reporting at Regional Office, he submitted the transfer letter served on him by Zonal Office to the Official of the Regional Officer DCR-I. The Regional Office issued a letter on 12-5-2001 for posting him at Mayur Vihar, Phase-I Branch. (The branch which was already decided by the Zonal Office). The workman accepted the posting orders and joined the duties at Mayur Vihar Phase-I branch. The instructions of the authorities of the Regional Office DCR-I were thus complied with. The Regional Office served another letter dt. 9-5-2001 to the workman advising him that his leave from 3-5-2001 to 9-5-2001 was not sanctioned and it was treated as unauthorized absence. There was no justification to reject the leave. There was no objection by the Competent Authority when he submitted Leave Application as to proceeding on leave.

That there was no complaint about the work and conduct of the workman while posted at Mayur Vihar branch by the branch Authorities of Mayur Vihar Branch. The salary and other leave particulars of the workman were also sent to the said branch by the Zonal Office. The workman received full salary for the months of May, 2001 to January, 2002. That the workman was issued a chargesheet dated 1-8-2001 by the Deputy General Manager (DCR-I). The chargesheet contained the following allegations :—

“By refusing on 2-5-2001 to accept the official communication addressed to you concerning your transfer to DCR-I, you have shown insubordination to lawful instructions of the management which constitute gross misconduct under clause 19.5(e) of Bipartite Settlement, 1966.

By refusing to accept official communication regarding your transfer to DCR-I and continuing unauthorized absence thereafter, you have committed acts prejudicial to the interest of the Bank

which constitutes gross misconduct under clause 19.5 (j) of Bipartite Settlement, 1966.

By remaining on unauthorized absence from 3-5-2001 to 11-5-2001, you have committed minor misconduct under clause 19.7 (a) of Bipartite Settlement, 1966.”

That the Bank Management did not call for the explanation/reply of the workman to the above chargesheet but straight-away constituted a departmental enquiry and thereby violated Clause 19.1 of Bipartite Settlement. In the chargesheet itself, the Disciplinary Authority appoint one Shri S.P. Gupta, Senior Branch Manager, Bhajanpura branch as the Enquiry Officer to hold the Departmental Enquiry against the workman. No reasonable opportunity was given to the workman to submit his reply to the chargesheet as is envisaged in Clause 19.1 of the Bipartite Settlement, 1966. The Disciplinary Authority had taken all these decisions to hold the enquiry and punish the workman without affording reasonable opportunity to the workman of submitting his reply to it. It is further submitted that the Disciplinary Authority further mentioned in the charge sheet that the workman may submit his reply to the charge sheet directly to the Enquiry Officer. It is submitted that contrary to the provisions of Clause 19.1 of Bipartite Settlement, the Disciplinary Authority instructed the workman to submit his reply to the Enquiry Officer who has been appointed for the purpose of conducting the Enquiry Proceedings and give his findings. The Disciplinary Authority bye-passed the prescribed rules of the Bipartite Settlements with pro-determined notions to punish the workman. Hence the entire disciplinary action is vitiated.

That the Enquiry Officer conducted the Enquiry into the charge sheet dated 1.8.2001 and rendered his findings dated 21-12-2001 holding all the three charges proved against the workman. The Disciplinary Authority passed the order dated 12-2-2002 imposing the punishment of stoppage of two increments of the workman without commulative effect. The workman preferred an appeal dated 26-3-2002 challenging the order of the punishment dated 12-2-2002. However, the Appellate Authority rejected the appeal of the workman *vide* his order dated 21-6-2002.

That it is submitted that the Enquiry constituted against the workman related to the chargesheet dated 1.8.2001 is alleged refusal of the workman to receive the official communication dated 2-5-2001 issued by the Zonal Office regarding his transfer to Regional Office DCR-I and his unauthorized absence from 3-5-2001 to 9-5-2001. It is evidence that the workman did accept the letter/order dated 2-5-2001 on 2-5-2001 evening itself when tendered to the workman. However, the workman in Hindi wrote “REFUGE” by way of protest to his transfer to a far off place. The Exhibit DE-1 was produced and also proved in the enquiry. It is submitted that Exhibit DE-1 is a copy of order of transfer dated 2-5-2001 was proved. There was no evidence to prove the allegations still the Enquiry Officer found it to be proved.

This is contrary to the evidence on record. Hence the findings are perverse.

That the allegation of unauthorised absence of the workman from 3-5-2001 to 9-5-2001 is also false. It is submitted that the Management was aware that the workman had applied for leave from 3-5-2001 to 9-5-2001 and he was allowed to proceed on leave, as there was no objection by the competent authority when the leave application was tendered to him. The management vide their letter dated 9-5-2001 intimated the workman that his leave for the above period was not sanctioned, but this letter was given to the workman only on 12-5-2001 by the Regional Office when the workman reported for duties at the Regional Office. The workman reported for duties on 12-5-2001 after availing the leave applied for by him. Proceeding on leave is therefore justified. There was no evidence led by the Management in the Enquiry to prove the allegation, as alleged in the Chargesheet. Hence, the findings dated 27-12-2001 holding all the charges proved against the workman are perverse. The Enquiry was farce and a sham show. The enquiry findings are, therefore, perverse.

That the Dy. General Manager (DCR-I) Regional Office, New Delhi vide letter dated 29-12-2001 forwarded a copy of the Findings of the Enquiry Officer. The workman submitted his reply dated 7-1-2002. However, the Dy. General Manager (DCR-I) and the Disciplinary Authority did not consider the points raised by the workman in his reply dated 7-1-2002 and vide order dated 10-1-2002 proposed the punishment of stoppage of two increments with commulative effect for all the three charges. The Disciplinary Authority in his order dated 10-1-2002 did not advance any reasonings as to how and on what evidence he found the charges proved against the workman. The workman submitted a letter dated 31-1-2002 in reply to the order dated 10-1-2002 of the Deputy General Manager (DCR-I) and Disciplinary Authority. The workman in his letter pointed out that in fact as per chargesheet there were two charges and not three charges for which the Disciplinary Authority had proposed the punishment. The workman further elaborated that charge No.2 contained the charges as mentioned in Charge No.1 and Charge No. 3. Thus the three charges framed against the workman could not have been in the chargesheet. The Disciplinary Authority did not apply his mind when he framed the charge-sheet. Hence the disciplinary action is bad in law on account of non-application of mind apart from being non-speaking. The workman further pointed out that the Disciplinary Authority had not considered the submissions made by the workman in his letter dated 7-1-2002. The workman further point out that the Disciplinary Authority had not given any reasoning as to how and on what evidence the Disciplinary Authority had arrived at the conclusion that the charges against the workman stood proved. However, the Disciplinary Authority brushed aside

the submissions of the workman made in the representation dated 31-1-2002 and passed the final order dated 12-2-2002 by modifying the punishment of stoppage of two increments without cumulative effect. The Disciplinary Authority mechanically passed his final order without dealing with the points of the workman. The Disciplinary Authority in his final order clubbed all the three charges and passed the punishment in a mechanical way. The Disciplinary Authority failed to value and carefully examine the submissions made by the workman in his letters dated 7-1-2002 and 31-1-2002 and thereby failed to apply his mind. The punishment of stoppage of two increments is in gross violation of the provisions of the Bipartite Settlement. The Disciplinary Authority has thus transgressed his authority in imposing the punishment on the Workman. This too is indicative of pre-determined mind.

That against the order dated 12-2-2002 the workman preferred an appeal dated 27-3-2002 to the Appellate Authority, General Manager, Zonal Office, New Delhi. The workman in his appeal submitted that the Disciplinary Authority had erred in holding the charges against the workman as proved. The Disciplinary Authority did not give any reasonings as to the points raised by the workman in his letters dated 7-1-2002. The charge No. 2 i.e. allegation of unauthorised absence is not a 'Gross Misconduct' under the Bipartite Settlement. Failure to give any reasoning by the Disciplinary Authority showed non-application of mind. The alleged misconduct of refusing to accept communication is contrary to Bank's circular dated 12-3-1981 and hence it is not a "Misconduct".

That the Appellate Authority also failed to consider the submissions made by the workman in his appeal and rejected the appeal of the workman vide order dated 21-6-2002 mechanically. Thus the order of Appellate Authority is non-speaking and result of non-application mind.

That in the light of above submissions, the action of the Management of the Bank in awarding the punishment to the workman is illegal and invalid on the following grounds among others :—

That the action of the Bank Management in constituting the Enquiry directly without calling for reply or explanation to the chargesheet is violative of clause 19.1 of the Bipartite Settlement and pre-determination of mind by Disciplinary Authority. Thus the enquiry held against the workman is illegal, invalid and in violation of the principles of natural justice.

That the findings of the Enquiry Officer in holding the charges 'proved' against the workman are perverse without there being any evidence. The Enquiry Officer acted in a partisan manner to prove the charges against the workman. By the above act, the Enquiry Officer has failed to discharge his duties as an impartial persons and the findings rendered by him cannot be said to be fair and reasonable.

That the Disciplinary Authority imposed the punishment vide order dated 12-2-2002 on the basis of Enquiry Officers findings, which are perverse, and hence the order of punishment is invalid and bad in law. The Disciplinary Authority did not consider the submissions of the workman contained in his letters dated 7-1-2002 and 31-1-2002. The Disciplinary Authority did not give reasons in his order dated 12-2-2002 as to how and on what evidence he came to the conclusion that the charges against the workman were proved. The order of the Disciplinary Authority is not a speaking order. Thus the Disciplinary Authority acted with closed mind and in a partisan manner to punish the workman. There was no misconduct on the part of the employee as he had accepted the letter. Had he not accepted the letter of his transfer from Zonal Office, he would not have been allowed by the Regional office to report for duties and also he could not have produced the copy of the said letter in the course of Enquiry Proceedings in taken of his acceptance of the original letter. In spite of the fact that there was no misconduct on the part of the workman, the Disciplinary Authority imposed the punishment. Even the Appellate Authority did not consider the submissions of the workman made in his appeal of the workman did not give any reasons as to why he has not found the points raised by the Appellant as valid and the reasons for rejecting the appeal. The orders dated 12-2-2002 and 21-6-2002 passed by the Disciplinary Authority and the Appellate Authority reflect non-application of mind. The order are thus invalid, illegal and unsustainable in law. The punishment imposed on the workman is irrational, unreasonable and untenable in law which even otherwise could not have been imposed, as the charges were not proved. Imposing multiple punishment as is being done by the management is illegal, invalid and unsustainable in law.

The Management has filed written statement. In the written statement it has been stated that the instant reference, in the terms specified therein for adjudication of this Hon'ble Court, could not have been validity made by the Government by virtue of Doctrine of Merger in that on the merger of Disciplinary Authority's order dated 12-02-2002 with the Appellate Authority's subsequent orders dated 21-06-2002 there was no such order dated 12/02/2002 surviving on the date of reference and consequently no dispute or difference in respect thereof was also existing requiring any adjudication. The order of reference has thus been made by the Government arbitrarily in excess of reference making powers vested in it u/s 10 of the ID Act.

For that in view of the reason stated in the preceding para, and also on union's showing, what has been referred by the Government for adjudication of this Hon'ble Court is not the real dispute or difference in the admitted facts and circumstances which could have been referred for adjudication, if at all; the Government has thus made the instant order of reference without application of mind.

For the reason stated in the preceding para, the scope of this Hon'ble Court's power and jurisdiction to entertain an invalid order of reference is circumscribed. Any proceedings held by this Hon'ble Court would thus be a nullity in the eyes of law. It is the contention of the management this Hon'ble Court be pleased to hold and declare the instant order of reference as invalid.

It is denied that the workman concerned is a member of the contending union or that the union herein is a duly registered trade union with the Registrar to Trade Union, Delhi or that the contending union had espoused the cause of the concerned workman and transformed the same as an industrial dispute within the ambit and scope of the terms defined u/s 2(K) of the ID Act. The union is thus liable to be put to strict proof in that behalf.

There is no denying the fact that upto 02/05/2001 the concerned workman was posted in the Bank's Zonal Office and that on 02-05-2001 he was served with a transfer Order No. GM:NZ:OM:ZM:73:505 of even date transferring him from the Zonal Office to Regional Office, DCR-I (now DMR-I) and also simultaneously specifying the Bank's branch at Mayur Vihar Ph. I, New Delhi under administrative superintendence of DMR-I, as his place of posting and duty w.e.f. 03-05-2001. There is also no denying the fact that the management's aforesaid orders were served on the workman on 02-05-2001 itself and there was no pixility or difficulty on the workman on 02-05-2001 itself and there was no pixility or difficulty on the workman's part to give effect to the same and yet, curiously enough, the workman deliberately disobeyed and flouted management's those just and lawful orders and reported on duty in the specified branch only w.e.f. 12/05/2001 after remaining unauthorisedly absent from 03/02/2001 thereby committing an act of grave misconduct amounting to an act of insubordination too.

It is stated that the transfer and posting orders of the workman did not suffer either from any illegality or unjustifiability or impropriety as they were neither issued by any incompetent authority nor were they neither issued by any imcompetent authority nor were they incomprehensible incapable of being understood in effect and content nor they were issued with any bias or malafied as has been assumed by the union. The Hon'ble Court would kindly appreciate that an employee's transfer and posting at any particular work place cannot be invalidated by now far or how less there is distance between his place of residence and place of posting.

From the Union's own submissions in para 6 of the SAC it is explicit that instead of reporting or duty w.e.f. 03/05/2001 at the Branch in question under transfer and posting orders dated 02-05-2001, the workman had unauthorisedly remained absent from duties from 03-05-2001 and he reported on duty only on 12-05-2001. It is stated that in law an employee can be deemed to be on leave of absence only when the leave applied for by him

have been granted by the competent authority and not otherwise. In the case of the workman concerned in the instant case, he was not on leave of absence but was unauthorisedly absent from his duties in defiance of orders and thus he has been guilty of not only remaining absent from duties but of committing an act of insubordination. The Hon'ble court would kindly appreciate that subsequent grant of leaves and regularization of the period of absence won't obliterate the misconduct of having unauthorisedly remaining absent from duties. It is stated that in law no sick leave can be granted unless the same are supported with medical certificates when reporting on duty. In terms of clause in Para IX(4) of the BPS dated 17-09-1984 all sick leave shall be granted on production of a medical certificate acceptable to the Bank. As per BPS para 13.6, leave of all kinds cannot be claimed as of right. When the exigencies of the service so require discretion to refuse or revoke leave of any description is reserved to the authority granting it. Further as per para 13.5 no leave or extension of leave shall be deemed to have been granted unless an order to that effect is passed and communicated to the employee concerned. From the above submissions it is clear that the workman has violated laid down procedure for seeking sanction of leave from his superiors and proceeded to remain absent without prior sanction of leave.

It is stated that the entire disciplinary action of the management is legal and does not suffer from any legal or procedural infirmity. The Union's averments have no sanction of law. Be that as it may, if after trying the validity and propriety of departmental enquiry as a preliminary issue the Hon'ble court finds that the enquiry suffers from any procedural irregularity, the management craves liberty to adduce additional evidence to justify their action.

It is stated that the management's action take against the workman for the charges alleged against him and proved, is legal, just and proper.

The workman preferred an appeal against Disciplinary Authority's orders dated 12-02-2002 and that the Appellate Authority, vide his orders dated 21-06-2002, dismissed the workman's appeal being without any merit. Union's rest of the assumptions or submissions or contentions or allegations are bereft of substance or merit and are otherwise without any sanction of law and hence untenable. On the contrary, the entire action of the management is just, and proper and sanction of precedents of law.

The workmen applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that chargesheet was served on him against 19.1 of the BPS as no reply or explanation was taken from the workman. The management should have called for explanation and after considering the explanation chargesheet can be served in view of Clause 19.1 of the BPS. Thus, the inquiry is illegal.

It was further submitted that the findings of the Inquiry Officer are perverse. The Inquiry Officer acted in a partial manner and his findings are not fair and reasonable. The Disciplinary Authority also imposed punishment without considering the submissions made by the workman. The order of Disciplinary Authority is not a speaking order. The Disciplinary Authority acted with closed mind and biased manner to punish the workman. The workman has accepted transfer order and after availing leave he has joined duty to his transferred place.

It was submitted from the side of the management that the workman wrote "refuse" on the transfer order and he absented from 03-05-2001 to 11-05-2001. He reported to the place of his posting on 12-05-2001. He did not get prior leave sanctioned. His leave was cancelled by order dated 09-05-2001 still he did not resume his duties. The workman has been given full opportunity during the inquiry proceedings. He has signed every page of the inquiry proceedings.

It transpires from perusal of the record that 3 charges were framed against the workman. These charges are as under:—

1. By refusing on 02-05-2001 to accept the official communication addressed to you concerning your transfer to DCR-I, you have shown insubordination to lawful instructions of the management which constitutes gross misconduct under clause 19.5(e) of the BPS, 1966.
2. By refusing to accept official communication regarding your transfer to DCR-I and continuing on unauthorized absence thereafter, you have committed acts prejudicial to the interest of the bank which constitutes gross misconduct under clause 19.5 (j) of BPS, 1966.
3. By remaining on unauthorized absence from 03-05-2001 to 11-05-2001, you have committed minor misconduct under clause 19.7(a) of the BPS, 1966.

It further transpires from perusal of the record that while posting at Zonal Office, the workman was served transfer order dated 02-5-2001 issued by the AGM, Zonal Office, New Delhi to report to Regional Office DCR-I, Delhi for further posting. The workman received the order and protested over unusual way of instructions written on the office copy and as a mark of protest wrote the word "refuse" in Hindi on the office copy. The workman moved application for leave from 03-05-2001 to 09-05-2001 for

attending a marriage ceremony in his family at his native place. There was no sanction on his leave application. The leave application of the workman was rejected on 9-5-2001 and intimation was sent to him subsequently still he joined the place of his posting on 12-05-2001 after two days of receiving of the order of rejection of leave.

The Inquiry Officer has found all the charges proved. The workman has filed particulars of his payment and it becomes quite evident from perusal of the payments that he has received full wages for the period for which he applied for leave. In case the workman has obtained full wages for his alleged period, the charge of unauthorized absence are not proved. The findings of the inquiry officer are not correct in this respect.

It appears that the application of the workman was subsequently considered by the management and leave was sanctioned to him so the charges of unauthorized absence should not be proved by the Inquiry Officer.

The workman has admitted in his cross examination that he accepted the transfer order but he did not join at the place of transfer because that place was far away from his residence. It indicates that the workman cherished grudge against his transfer to a distant place. The management has filed MW 1/1, the transfer order dated 02-05-2001, the workman has written the word "refuse" on it on 02-05-2002 and has put his signature, so when the transfer order was given to him he wrote the word "refuse" in hindi.

The workman is not found guilty of unauthorised absence as full payment to him has been made, so charge No. 2 and 3 are not found proved.

Charge No. 1 is regarding insubordination. The workman has admitted in his claim statement that he did write "refuse" in hindi on the copy of the transfer order. Thus, it is admitted by the workman that he wrote the word "refuse" on the copy of the transfer order. Though he received transfer order, the writing "refuse" on the copy of the transfer order amounts to insubordination of the lawful instructions of the management and it constitutes gross misconduct under clause 19.5 (e) of the BPS, 1966.

From perusal of the inquiry report it becomes quite obvious that the workman has been given fair opportunity and the inquiry officer has considered all the aspects of the case and he has found charges proved after proper analysis of evidence. Since the workman has been made payment of the period of his unauthorized absence it cannot be said that he was unauthorisedly absent. The workman has written the word "refuse" in hindi on the transfer order dated 2-5-2001 and he has admitted in his cross-examination that he did not join his transferred place as it was distant from his home. The transfer order has been passed by the competent authority and it is not necessary that a workman should be given posting near his residence. No evidence is required for the act of insubordination as the workman

has himself admittedly written in his own handwriting the word "refuse" in hindi and has joined after a period of 10 days to his transferred place.

The writing of word "refuse" on the instruction on the transfer order amounts to serious misconduct. No evidence is required for proving the same.

The punishment inflicted on the workman is not harsh. He has committed act of insubordination by writing the word "refuse" in hindi on the transfer order and he has joined the place of posting after 10 days. So charge no. 1 is found proved on his mere admission in the claim statement. He has admitted categorically that he wrote the word "refuse" in hindi on the transfer order. The punishment imposed on the workman is not harsh or disproportionate. He wrote the word "refuse" on the transfer order and did not obey the order of the competent authority for 10 days. The management has stopped his 2 increments without cumulative effect. In the BPS such punishment is for a minor misconduct. The punishment imposed on the workman is quite appropriate.

It was submitted from the side of the management that the reference has been made regarding the order of the Disciplinary Authority imposing the punishment. The workman has filed appeal. The order of the Disciplinary Authority dated 12-02-2002 has merged in the order of the Appellate Authority dated 21-06-2002, so the order dated 12-02-2002 is no longer surviving. The order of reference has been made arbitrarily without application of mind by the appropriate government.

It was further submitted that the order dated 12-02-2002 of the Disciplinary Authority lost its existence and become merged in the order of the Appellate Authority dated 21-06-2002, so the reference should have been made for the action of the management of the Appellate Authority dated 21-06-2002. Thus, there is no reference in the eye of law and court lacks jurisdiction to entertain an invalid order of reference. The proceedings held by this court is a nullity in the eyes of law and the reference should be declared invalid.

My attention was drawn from the side of the management to 1969 (19) 135. It has been held in this case that the original decision merges in the appellate decision. Only the appellate decision subsists and is capable of enforcement.

In the instant case there is no question of enforcement. This is for holding the order of the disciplinary authority invalid.

It has been held in AIR 1961 SC 857, AIR 1957 SC 804 that in view of the provisions of Section 7 (A) and 10 of the ID Act, 1947 the Tribunal in law is under statutory obligations to adjudicate the dispute referred to it by the appropriate Government. The Tribunal is under statutory obligation to decide this matter.

It has been held in II LLJ 1967 - Syndicate Bank Vs. Ram Nath Page 1 that the date of order of dismissal is the date of the original order and not appellate order. From perusal of this case law it transpires that the date of original order is the date of dismissal. The appellate order is not the date of dismissal. The date of original order of the disciplinary authority has been challenged in this case, so the date of the appellate order is not actionable in view of the law laid down by the Hon'ble Court.

In the instant case the date of the original order is 12-02-2002. The date of the appellate order is 21-06-2002. The reference has been made for adjudicating the action of the disciplinary authority dated 12-02-2002. In view of Syndicate Bank's case referred to above the date of order of punishment is the date of the original order and not appellate order. Hence the principles of merger is not applicable in this case.

The substantial question to be decided in this case is whether the punishment is illegal or legal. In view of II LLJ 1967 - Syndicate Bank's case, the order of punishment of the disciplinary authority is the original order and not appellate order. So the reference is competent and the Tribunal has jurisdiction to adjudicate the matter in view of Syndicate Bank's case and AIR 1961 SC 857.

The appellate authority confirmed the order of the disciplinary authority. The cause of action arose on 1-02-2002 the day on which the punishment was inflicted. In view of this fact also 12-02-2002 is the material date from which the right of the workman were adversely affected.

The reference is replied thus :

The action of the management of Bank of Baroda in regard to stoppage of two increments without commulative vide order dated 12-02-2002 of Shri Rishi Pal Singh, Daftary, is just, fair and legal. The workman-applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 17-12-2007 R. N. RAI, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2007

का.आ. 82.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 49/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2007 को प्राप्त हुआ था।

[सं. एल-12012/158/1998-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2007

S.O. 82.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/1999) of the

Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen, received by the Central Government on 18-12-2007.

[No. L-12012/158/1998-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI R. G. SHUKLA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR, COURT KANPUR,
UTTAR PRADESH

Industrial Dispute No. 49 of 1999

In the Matter of dispute between :—

Subhash Chand son of
Sh. Mishni Lal, Village
Achhenera, Bharatpur Road,
Agra.

AND

UCO Bank,
The Branch Manager
Bharatpur Achhenera Road
Tehsil Kiroli,
Agra

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-12012/158/98-IR(B-II) dated 8-3-99, has referred the following dispute for adjudication :—

“Whether the action of the management of UCO Bank in terminating the services of Shri Subhash Chand from 7-5-97 is legal and justified? If not to what relief the workman is entitled?”

2. It is alleged by the workman that the workman was appointed by the opposite party as messenger on 16-1-93 and he worked continuously till 6-5-97. Initially the workman was paid Rs. 20 per day as his remuneration which subsequently enhanced to Rs. 35 per day, Rs. 40 per day and lastly Rs. 50 per day. It is also pleaded that apart from water boy in all there were 12 employees at the relevant time in the opposite party. Workman has further pleaded that there was only one daftary posted in the branch and who also remains absent from his duty therefore, opposite party appointed the workman on 16-1-93 and took the work of peon and daftary from him till 6-5-97. Opposite party finding the services of the workman satisfactory wrote letter for his regularization in the services of the opposite party. Workman has also described the regular work of daftary and peon in his statement of claim and has claimed that opposite party took from him the said work as peon and daftary. Apart from above, it has also been claimed by the workman that he also made certain entries of his own hand on the scroli book of the bank maintained by the opposite party. The services of the workman has been removed orally by the opposite party on 7-5-97 without showing

any reason and without issuing any notice, notice pay or retrenchment compensation. Thereafter he conveyed the hardship to the opposite party by telephone which he suffered. Lastly it has been pleaded by the workman he was not appointed for any particular work rather he was appointed on a post of peon by the opposite party. On the basis of above pleadings it has been prayed by the workman that the action of the management be held to be illegal and unjustified and he be directed to be reinstated in the service of the bank with full back wages and continuity of service.

3. On the contrary the claim of the workman has been refuted by the opposite party on the various grounds, mainly, to the effect that the applicant was engaged by the opposite party for fetching water at the branch for which he was paid compensation on daily basis; since the post of fetching water is not a sanctioned post within the purview of Bipartite Settlement no benefit of permanency is attached with the post. A large number of work in the bank are done on contract basis. The applicant was never appointed by the bank by issuing any appointment letter; the applicant was never paid salary but a lumpsum amount of compensation was paid to him by the opposite party; there is no regular and sanctioned post available in the branch; the recruitment against regular and permanent post are made after holding selection process of the bank and that the applicant was never subjected for his regular selection; that there exist no relationship of master and servant between the contesting parties, therefore, the present case is not a case of retrenchment; question of removing the services under these circumstances does not arise. Lastly it has been prayed by the opposite party that the claim of the workman is liable to be rejected and be rejected holding that the claimant is not entitled for any relief as claimed by him.

4. After exchange of pleadings between the parties, both contesting parties besides adducing oral evidence have also filed certain documentary evidence.

5. Heard the contesting parties at length and have also perused the record of the case.

6. Having regard to the law laid down by the Hon'ble Supreme Court of India, in leading case viz. (1) Himanshu Kumar Vidyarthi *Versus* State of Bihar and another and Secretary, State of Karnataka *Versus* Smt. Uma Devi, the controversy as to whether a daily rated casual employee can be given benefit of regular and permanent employment in public employment has finally been set at rest by the Hon'ble Supreme Court of India by laying law that daily rated worker or casual worker cannot claim his regularization against public employment without undergoing regular selection process prescribed under service rules applicable for the time being.

7. Therefore, in view of the law laid down by the Hon'ble Supreme Court of India, there remains hardly any need to discuss oral as well as documentary evidence of the contesting parties inasmuch as from the pleadings of

the parties, it is common ground that the claimant was appointed or engaged by the opposite party on daily wage basis. If it is so the tribunal should not be used as a measure for providing back door entry in public employment. Even otherwise the provisions of Industrial Disputes Act, 1947, would not come into play automatically in the present case in the absence of pleadings by the workman to the effect that the opposite party has breached such and such provisions of the service regulations applicable to him which is analogous to such and such provisions of Industrial Disputes Act, 1947, therefore, he is protected under the provisions of Industrial Disputes Act, 1947. Therefore, in any view of the matter the present case cannot be said to be case of retrenchment as defined under the provisions of Section 2 (oo) or a case of termination of service within the meaning of Section 2-A of the Act, as such workman cannot be granted benefit of the provisions of the Act.

8. In view of above discussion, and having concluded that it is not a case of termination or retrenchment of the workman from the service of the opposite party, therefore, tribunal holds that the claimant is not entitled for any relief as claimed by him in pursuance of the present reference made to this tribunal.

9. Schedule of reference is decided accordingly.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2007

का.आ. 83.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, 'केन्द्रीय सरकार नेशनल इंस्टीच्यूट ऑफ फाइनेंसियल मैनेजमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 116/2004, 107/2004, 108/2004, 109/2004, 110/2004, 111/2004, 112/2004 और 115/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-2007 को प्राप्त हुआ था।

[फा. सं. एल-12012/54/2004-आई आर (बी-11),
फा. सं. एल-12012/59/2004-आई आर (बी-11),
फा. सं. एल-12012/58/2004-आई आर (बी-11),
फा. सं. एल-12012/56/2004-आई आर (बी-11),
फा. सं. एल-12012/57/2004-आई आर (बी-11),
फा. सं. एल-12012/55/2004-आई आर (बी-11),
फा. सं. एल-12012/52/2004-आई आर (बी-11),
फा. सं. एल-12012/53/2004-आई आर (बी-11),]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th December, 2007

S.O. 83.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Nos. 116/2004, 107/2004, 108/2004, 109/2004, 110/2004, 111/2004,

112/2004 & 115/2004 of the Central Government Industrial Tribunal-Cum-Labour Court, No. 2 New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to management of National Institute of Financial Management and their workmen, which was received by the Central Government on 19-12-2007.

[F. No. L.-12012/54/2004-IR (B-II),
F. No. L.-12012/59/2004-IR (B-II),
F. No. L.-12012/58/2004-IR (B-II),
F. No. L.-12012/56/2004-IR (B-II),
F. No. L.-12012/57/2004-IR (B-II),
F. No. L.-12012/55/2004-IR (B-II),
F. No. L.-12012/52/2004-IR (B-II),
F. No. L.-12012/53/2004-IR (B-II)]

RAJINDER KUMAR, Desk Officer

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

PRESIDING OFFICER: R.N.RAL

**ID. Nos. 116/2004, 107/2004, 108/2004,
109/2004, 110/2004 111/2004,
112/2004 & 115/2004.**

IN THE MATTER OF:

Shri Sanjay Sharma & 7 Ors;
S/o Sh. Satyanarain Sharma,
Rajiv Colony, Samaypur Road,
Sector:-25, Ballabhgarh,
Faridabad.

VERSUS

The Director,
National Institute of Financial Management,
Sector:-48,
Faridabad.

AWARD

The Ministry of Labour by its Letter Nos. L-12012/54/2004-IR(B-II) Central Government Dt. 28.06.2004, L-12012/59/2004-IR(B-II) Central Government Dt. 23.06.2004, L-12012/58/2004-IR(B-II) Central Government Dt. 23.06.2004, L-12012/56/2004-IR(B-II) Central Government Dt. 21.06.2004, L-12012/57/2004-IR(B-II) Central Government 28-06-2004, L-12012/55/2004-IR(B-II) Central Government Dt. 28-06-2004, L-12012/52/2004-IR(B-II) Central Government Dt. 23.06.2004 & L-12012/53/2004-IR (B-II) Central Government Dt. 28.06.2004 has referred the following points for adjudication.

The points run as hereunder:—

- (1) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Sanjay Sharma, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."

- (2) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Ram Pyare, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."
- (3) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Anil Kumar, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."
- (4) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Randhir, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."
- (4) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Sita Ram, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."
- (6) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Viond Kumar, Peon w.e.f. 01.10.1999 is just and legal? If not, relief the workman is entitled to."
- (7) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Gopal Singh, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."
- (8) "Whether the action of the management of National Institute of Financial Management, Faridabad in terminating the services of Shri Tarkeshwar Ram, Peon w.e.f. 01.10.1999 is just and legal? If not, what relief the workman is entitled to."

I.D.Nos. 116/2004, 107/2004, 108/2004, 109/2004, 110/2004, 111/2004, 112/2004 & 115/2004 involve common dispute. These are connected cases and they can be adjudicated by common award. The grounds of all the cases mentioned above are the same. So all the above mentioned cases are taken up together. These cases have been consolidated.

The workmen applicants have filed claim statement. In the claim statement they have stated that they submitted all the claims in their demand notice. It is submitted that the same may kindly be read as part of this claim statement.

That the workmen were working as Office Boys/Peons in the above mentioned management i.e. the National Institute of Financial Management, Sector 48, Faridabad since last 10-7-1996. Their services were illegally terminated on 01-10-1999 and they were refused.

That their services were terminated without any rhyme or reason. No written orders were given to them by the

respondent. No reason whatsoever were conveyed to them for termination of their services. The workmen filed a writ petition to regularize their services before the Hon 'ble Punjab and Haryana High Court being aggrieved with this writ petition the management terminated their services in place of regularising the same.

That the management staged a false drama of doing inquiry in the matter which was neither fair and proper nor legal one. The Inquiry Officer was not impartial for making inquiry report. The workmen were neither informed of the inquiry nor were given proper opportunity to present their case before the inquiry officer. No copy of inquiry report was given to the workmen and the report was also not fair and impartial. So it was against the principles of natural justice and also against the law of the land.

That during the service period no charge sheet or warning letter was ever served on the workmen, so the services of the workmen were spotless. No payment of any kind was made to the workmen at the time of termination of their services. The workmen are unemployed since then till now due to the illegal act of the management. It is also submitted that the wages of the workmen was Rs.1902/- per month at the time of termination of their services.

That the original record of the services of the workmen are with the management and if it conceals the same then adverse inference should be drawn against them.

That the termination of service of the workmen in this way amounts to unfair labour practice and illegal action of the management.

The management has filed written statement. In the written statement it has been stated that as per provisions of Section 2 (i)(ii)(iii) of the ID Act, 1947, the respondent NIFM being a training institute does not fall under the category of Industry and as such the ID Act is not applicable to NIFM.

That NIFM is an autonomous Society of Government of India, Ministry of Finance registered under the Societies Act and its aim is to impart Professional Training to the Probationers of six Central Accounts and Finance Services. Hence, the respondent does not come under the purview of the ID Act.

That the reference in questions not maintainable and is also not sustainable in the eyes of law. Hence the same is to be declared as not maintainable under the provision of law.

That the workmen were never appointed by the respondent at any time and no relationship of employee and employer ever existed between the parties at any time. Hence the present reference is not maintainable.

That no appointment letter was ever issued to the workmen by the respondent at any time. Hence the question of termination of their services does not arise.

That no attendances were ever marked or any wages were ever paid to the workmen at any time by the respondent.

That the claims filed by the workmen are totally vague and lack specific particulars.

That the workmen were casual labour/contract labour who were employed in connection with the work of the management on hire and reward for such work through a duly licensed contractor under the provision of CLRA Act, 1970 and the management is also duly registered under the provisions of CLRA Act, 1970.

That under the provisions of the contract entered between the management as well as labour contractor, the contractor was asked to provide / supply labour for casual nature of work to the management.

That the workmen were never under the supervision, control and authority of management but were directly under the supervision and control of the contractor. Hence the relationship of employer and employee between the parties never existed at any time. Hence the petitioner workmen have no legal right to file the above claim petition/ demand notice against the respondent. The claim of the workmen is totally false, frivolous and vexatious and has been filed with a mala fide intention to harass and humiliate the management unnecessarily and no cause of action ever accrued to the workmen against the management.

That the averments of the workmen that their services were terminated illegally are absolutely false and fabricated. Hence the same are specifically denied by the management.

It is denied that the workmen have been working with the NIFM management as a Peon since last 01-10-1995 as a regular employee, as alleged. It is further vehemently denied that at the time of his alleged illegal termination the workmen were drawing their wages @ Rs.1902/- per month as alleged. The total contentions of the workmen are false, farfetched and hence denied. It is submitted that no post of Peon existed with the respondent at any time hence the workmen were never appointed by the respondent at any time through any process of selection by selection committee under rules of the respondent.

It is submitted that the workmen have falsely stated in their demand notice that they were not permitted to join their duties on 01-10-1999 or that their services were terminated by an oral or written notice illegally as alleged. It is submitted that the workmen were never appointed by the respondent at any time, hence the question of not permitting the workmen to join their duty on 01-10-1999 does not arise.

However, it is correct that the workmen along with many other workmen filed a writ petition bearing No. 8437/ 1999 in the Hon 'ble High Court of Punjab and Haryana at Chandigarh seeking direction for the disposal of the

alleged representation dated 14-10-1998 purported to have been made by the workmen to the respondent by concealing true and material facts from the Hon'ble High Court. But the Hon'ble High Court vide orders dated 10-08-1999 directed the Director of the NIFM to decide the representation of the workmen expeditiously and consequently a due opportunity of hearing was given to the workmen for disposal of their alleged representation dated 14-10-1998 and it was found that the representation of the workmen were not based on the correct facts and hence the representation of the workmen were rejected and notice to this effect was sent to the workmen vide letter dated 20-12-1999. It was however incorrect and false on the part of the workmen to aver that the services of the workmen were to be regularized as per the directions of the Hon'ble High Court as alleged. However it is submitted that the representation of the workmen dated 14-10-1998 were rejected legally and validly on the grounds which have been mentioned in the inquiry report which indicated that the workmen were employees of M/s. Keshav Security Service and/ or M/s. Prem Chand, Labour Contractors, who were having the control over the workmen as they were provided by the contractor to the NIFM management as and when need arise and therefore no relationship of employee and employer existed between the workmen and the management.

It is vehemently denied that the management conducted the inquiry on the representation of the workmen as a stage managed show as alleged. It is further denied that the inquiry officer was not impartial as alleged or violated any principle of natural justice. It is further denied that the workmen were never informed about the date of inquiry or that the workmen were not permitted to produce their case or were not given an opportunity to defend their case. It is vehemently denied that the inquiry officer had adopted any discriminatory attitude in favour of the management or that the result of the inquiry is illegal or arbitrary as alleged. It is further vehemently denied that the inquiry report is unfounded or that the services of the workmen have been illegally terminated. Whereas it is also submitted as stated above in the preceding para that the workmen were not the employees of the management at any time, but were only a contract labour who were provided by the contractor to the management as and when the demand arose for such labour/workmen with the management. It is pertinent to mention that the inquiry in question was conducted at the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh vide order dated 10-08-1999 passed in CPW 8437/99 for ascertaining the facts and by deciding the alleged representation of the workmen dated 14-10-1998 preferably by a speaking order which accordingly passed by the Director NIFM on 20-12-1999, therefore, the contentions of the workmen are totally false and fabricated and there element of truth in the allegations of the workmen, which are totally false and the same are specifically denied.

It is submitted that the contention of the claimants that the work period of the workmen had remained unblemished, is totally wrong and imaginary when there never existed any relationship of employee and employer between the workmen and the management. It is also submitted that the question of issuing any chargesheet, warning or making payment of any wages does not arise at all when it is not a question of misconduct on the part of the workmen nor the services of the workmen were illegally terminated by the management nor the workmen were the employees of the management at any time. Whereas the management had been hiring the services of workmen through the registered contractors. Hence the workmen could not claim any benefit from the management as they were never the employees of the management at any time. It is also vehemently denied that the management is liable for any consequences of alleged unemployment of the workmen under the pretext of the present claim statement. It is submitted that the claim statement is frivolous and false and deserves to be dismissed with cost as the claimants are not entitled for any compensation or other benefits under law from the management.

As already submitted in the preceding paras that the workmen were never the employees of the management and there ever existed any relationship of employee and employer between the workmen and the management. Therefore, the question of terminating the services of the workmen without any reason does not arise. Similarly the contentions of the workmen are totally false that under the pretext or garb of the inquiry report, the management has violated the principle of natural justice as alleged. The inquiry report was impartial, legal and valid as the workmen were given due and proper opportunity to present/ defend their case before the inquiry officer, but they failed to substantiate their claim before the inquiry officer and further the representation of the workmen were found baseless and false. Hence the same was correctly and legally rejected. The workmen have no legal claim or right to file the present demand notice which being frivolous and vexatious deserves to be dismissed with costs.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the management thire the respondent, NIFM is a training institute does not fall under the category of Industry. As such Industrial Dispute Act is not maintainable.

It was further submitted that as per provisions of Section 2 (i) (ii) (iii) of the ID Act, 1947, the respondent

NIFM being a training institute does not fall under the category of Industry and as such the ID Act is not applicable to NIFM.

That NIFM is an autonomous Society of Government of India, Ministry of Finance registered under the Societies Act and its aim is to impart Professional Training to the Probationers of six Central Accounts and Finance Services. Hence, the respondent does not come under the purview of the ID Act.

That the reference in question is not maintainable and is also not sustainable in the eyes of law. Hence the same is to be declared as not maintainable under the provision of law.

It was submitted from the side of the workmen that the judgment of the Constitution Bench (1978) 3 SCR 207 still holds the field so far as definition of 2 J of ID is concerned. The Hon'ble Apex Court in that judgment has laid down triple tests and in the light of these tests it is to be ascertained whether the respondent/management is an industry or not.

It has been held in Bangalore Water Supply that in an Industry there should be systematic activity and it should be organized by cooperation between the employer and the employees and it should be for production and/or distribution of goods and service calculated to satisfy human wants and wishes. It has been held that absence of profit motive or gainful objective is irrelevant. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer and employee relations. If an organization is not carrying on trade and business, it is not beyond the purview of Industrial activities.

(1978) 3 SCR - Bangalore Water Supply case is a Constitution Bench judgment. It is still holding the field in the matter of adjudication of this point.

It has been held in this case that Section 2 (j) of the Industrial Disputes Act, 1947 which defines industry contains words of wide import as wide as the legislature could have possibly made them. The problem of what limitations could and should be reasonably read in interpreting the wide words used in section 2 (j) is far too policy oriented to be satisfactorily settled by judicial decisions. The Parliament must step in and legislate in a manner which will leave no doubt as to its intention. That alone can afford a satisfactory solution to the question which has agitated and perplexed the judiciary at all levels.

In this judgment the Hon'ble Apex Court has laid down triple test to ascertain whether a particular unit or undertaking is an industry or not. It has been held in this case that where (i) systematic activity, (ii) organized by cooperation between employer and employee (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or reli-

gious, but inclusive of material things or services geared to celestial bliss e.g. making on a large scale prasada or food).

(b) Absence of profit motive or gainful objective is irrelevant be the venture in the public, joint, private or other sector.

(c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer employee relations.

(d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Although section 2 (j) uses words of the widest amplitude in its two limbs, their meaning cannot be magnified to over each itself.

The Hon'ble Apex Court has laid down further the dominant nature test. It has been held as follows:

"Where a complex of activities some of which qualify for exemption, others not involves employees on the total undertaking some of whom are not workmen as in the University of Delhi case or some departments are not productive of goods and services if isolated, even then the predominant nature of the services and the integrated nature of the departments as explained in the Corporation of Nagpur will be the true test. The whole undertaking will be industry although those who are not workmen by definition may not benefit by the status.

Notwithstanding the previous clauses, sovereign functions, strictly understood (alone), qualify for exemption not the welfare activities of economic adventures undertaken by government or statutory bodies.

Even in departments discharging sovereign functions if there are units which are industries and they are substantially severable then they can be considered to come within section 2(j).

The respondent's unit is engaged not in a sovereign function. It has been held in the above case that even arsenal or artillery department is an industry. Industry is decided on the nature of work it is performing.

From perusal of the records it becomes quite evident that the respondent/management is engaged in systematic human activities. The respondents are not discharging duties for gains but gainful objective is irrelevant in deciding whether an undertaking is an industry or not. In case activities of the respondents are considered in the crucible of the triple tests, respondent is obviously and definitely an industry.

The management provides professional training to the probationers of the central accounts and financial service. There is employer - employee relationship between the management and the workmen, so NIFM is an Industry.

It was submitted from the side of the workmen that they have worked as Office Boys/Peons under the management (NIFM), Sector-48, Faridabad since last 10-07-1996. Their services were illegally terminated on 01-10-1999. They were refused duty. The management has terminated the services of these workmen illegally and arbitrarily.

It was further submitted that the workmen filed a CWP to regularize their services before the Hon'ble High Court of Punjab and Haryana at Chandigarh. The management was annoyed with the writ petition and terminated the services of the workmen. The Hon'ble High Court in writ petition directed the management to inquire into the matter and pass speaking order. Inquiry was conducted no doubt but the workmen did not participate in the inquiry. They were not informed about the date of the inquiry and they were given no opportunity. The report of the inquiry officer was not fair and proper. So it was against the principles of natural justice and also against the law of the land.

It was further submitted that the workmen worked under the control and supervision of the management. The management prepared their duty charts and duties were assigned to the workmen by the management. The contractors were only name lenders. The contract is sham and bogus.

It was further submitted that the workmen were never appointed by the management. There was no relation of employer - employee. No appointment letter was issued to the workmen. They were contractor's workmen. They were engaged by the contractors and they worked under the control and supervision of the contractors. The contractors were duly registered under CLRA Act, 1970. The management conducted fair inquiry. The workmen represented themselves. The inquiry officer has given his finding that there is no employer - employee relationship between the management and workmen. The workmen worked under the contractor M/s. Keshav Security Services and M/s. Prem Chand contractors. The petitioners have never been on the pay rolls of the management. The copy of the inquiry report has been annexed with the record.

The workmen have annexed photocopies of the duty chart of hostel boys from 01-07-1996 to 21-07-1996, 13-01-1997 to 19-01-1997, 16-03-1998 to 22-03-1998, January, 1999 to June, 1999. These duty charts are B-49 to B-123.

It transpires from perusal of the photocopies of duty chart that these photocopies' duty charts are not on the letter head of the management. There is no signature and seal of any officer of the management. On paper No. B-63, B-64, B-65, B-67, B-68, B-69 & B-70 there appears to be signature of someone but there is no seal. These documents disclose the attendance position of Hostel Boys.

It was submitted from the side of the management that it may have been obtained from the contractor for making payments. These photocopies documents also are not on the letter head of the management.

Photocopies documents B-76 & B-77 bear the seal of NIFM but there is no signature of any officer of the management.

It is submitted from the side of the management that the contractor prepared the duty chart and they might have affixed the seal of the management.

In case of even contractor's workmen it is necessary for the management to ascertain the dates of their working of every month for the sake of payment.

The management has annexed photocopies to show that payment has been made to M/s. Keshav Security Services and not to the workmen.

It was further submitted by the management that these contractors filed affidavit in the Writ Petition to the effect that the workmen have been engaged by them and they worked under their control and supervision.

The management has filed photocopies of the payments made to these 2 Security agencies, paper No. B-141 to B-156. These photocopies documents disclose that payment has always been made to the contractors. The workmen have not filed any document to show that they have received payment directly from the management.

The management has filed photocopies B-165 to B-183. These photocopies documents disclose that attendance of the workmen have been taken on the pad of M/s. Keshav Security Services.

The substantial question is whether the workmen worked under the control and supervision of the management and the work is of perennial in nature.

The workmen have filed WW 1/2. It is regarding implementation of the judgment of the Hon'ble Supreme Court dated 17-01-1986. WW1/3 is a circular dated 5-09-1986. The workmen have not filed any document to show that they worked under the control and supervision of the management. Every contract worker cannot be treated to be the employee of the Principal Employer, in case he is engaged by a contractor.

The Hon'ble Supreme Court has also emphasized that the Courts/Tribunals in their sympathy for the hand-ful adhoc/casual employees before it cannot ignore the claims for equal opportunity for the teeming millions of the country who are also seeking employment. In such case, the Courts/Tribunals should adhere to the Constitutional norms and should not water down constitutional requirement in any way.

In Pollock Law of Torts a servant and an independent contractor has been defined as under :—

The distinction between a servant and an independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests. For example, in Pollock's Law of Torts, (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out:

"A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work.... An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified beforehand"

In Salmond's Treatise on the Law of Torts the distinction between a servant and independent contractor has been indicated as under:

"What then, is the test of this distinction between a servant and an independent contractor? The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of doing it - he is bound by his contract, but not by his employer's orders."

The test regarding independent contractor and intermediaries have been laid down in *Hussainabhai, Calicut v. the Alath Factory Thezhilali Union Kozhikode* [(AIR 1978 SC 1410 (3 Judges))] "the true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill, and continued employment.

My attention was drawn to the Constitution Bench Judgment in *Scale* (2006) 4 Scale. It has been held in this case as under :—

"A. Public employment in a sovereign socialist secular democratic republic has to be as set down by the Constitution and the laws made there under. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark and the Constitution has provided also for affirmative action to ensure that unequals are not treated equals. Thus, any public employment has to be in terms of the constitutional scheme.

B. A sovereign Government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. Going by a law newly enacted, the National Rural Employment Guarantee Act, 2005, the object is to give employment to at least one member of a family for hundred days in an year, on paying

wages as fixed under that Act. But, a regular process of recruitment or appointment has to be resorted to, when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule.

My attention was drawn to another Constitution Bench Judgment - *Steel Authority of India*. It has been held as under:

"Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workmen. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question may arise whether the contract is a mere camouflage as in *Hussainabhai Calicut's* case (supra) and in *Indian Petrochemicals Corporation's* case (supra) etc; if the answer is in the affirmative, the workman will be in fact an employee of the principal employer, but if the answer is in the negative, the workman will be a contract labourer."

The workmen have been engaged through contractors. The burden of proving that they worked under the control and supervision of the management is on the workmen. They have to discharge the initial burden. They have not filed any cogent documentary evidence to establish that the work was assigned to the workmen by the management and they worked under the control and guidance of the management. They have filed affidavit regarding this fact no doubt but their affidavits are self serving.

The management has denied that they worked under the control and guidance of the management. The workmen in the circumstances have to prove by cogent documentary evidence that the management was their master and the management decided what is to be done and how it is to be done. The workmen have been engaged by the contractors and the contractors have taken the duties from them.

In view of the Constitution Bench Judgment referred to above contractual workmen cannot be regularized. There is no master and servant relationship in view of the criteria laid down in the judgments referred to above.

In ID Cases sometimes photocopies documents are admissible in evidence provided these documents have some nexus to the originals. The management invariably conceals the original documents. The duty chart filed by the workmen is neither on the letter head of the management nor does it bear any seal or signature of the management.

The workmen have failed to establish that they worked under the control and supervision of the management. They have not been able to establish master and servant relationship. They have worked only for 2 years under 2 licenced contractors. Payments to them have been made by the licenced contractors. The contractors have filed affidavit in the Hon'ble High Court that the workmen worked for them and not under the control and supervision of the management.

The economic control and supervision is the sole test for holding the contractual workmen to be the employees of the principal employer. The workmen did not work under the economic control of the management as payment has always been made to the contractors. The workmen have not filed any document even photocopies to show that they worked under the control and guidance of the management. There is no proof of assigning of duty by the management to the workmen. They have worked for approximately 2 years under the control of the contractors.

In the facts and circumstances of the case the workmen have not been able to establish that there was employer and employee relationship between the management and the workmen. They do not deserve reinstatement.

The reference is replied thus:

The action of the management of National Institute of Financial Management, Faridabad in terminating the services of S/Shri Sanjay Sharma, Peon, Ram Pyare, Peon, Anil Kumar, Peon, Randhir, Peon, Sita Ram, Peon, Vinod Kumar, Peon, Gopal Singh, Peon & Shri Tarkeshwar Ram, Peon is just and legal. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Dated: 18-12-2007

R. N. RAI, Presiding Officer

नई दिल्ली, 24 दिसम्बर, 2007

का.आ. 84.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोम्बे मरेकन्टायिल् को. ओपरेटिव बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, नई दिल्ली के पंचाट (संदर्भ संख्या 6, 7, और 26/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-12-2007 को प्राप्त हुआ था।

[सं. एल-12012/222/2005-आई आर (बी-1),

सं. एल-12012/236/2005-आई आर (बी-1),

सं. एल-12012/36/2006-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th December, 2007

S.O. 84.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6, 7, & 26/2006) of

Central Government Industrial Tribunal-Cum Labour Court, II New Delhi as shown in the Annexure, in the industrial dispute between the management of Bombay Mercantile Co-operative Bank Ltd., and their workmen, received by the Central Government on 24-12-2007.

[No. L-12012/222/2005-IR (B-I),

No. L-12012/236/2005-IR (B-I),

No. L-12012/36/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI

ID. Nos. 6, 7 & 26/06

In the Matter of:—

Mrs. Pooja Vinod Arya & 2 Ors;
Flat No. BP-111, 2nd Floor,
Poorvi Pitampura,
Delhi-110034.

VERSUS

1. The Chairman & Administrator,
Bombay Mercantile Co-operative Bank Ltd.,
89, Mohamedali Road,
Mumbai-400 003.

2. The Branch Manager,
Bombay Mercantile Co-operative Bank Ltd.,
3655, Netaji Subhash Marg,
Darya Ganj, New Delhi-110002.

AWARD

The Ministry of labour by its letter No. L-12012/222/2005-IR (B-I) Central Government Dt. 20-1-2006, No. L-12012/236/2005-IR (B-I) Central Government Dt. 30-1-2006 & No. L-12012/236/2005-IR (B-I) Central Government Dt. 30-1-2006 has referred the following point for adjudication.

The points run as hereunder:—

(1) "Whether the action of the management of Bombay Mercantile Co-operative Bank Limited, 89 Mohamedali Road, Mumbai-400003, Branch Manager, BNCB Limited, Delhi Branch, Netaji Subhash Marg, Darya Ganj, New Delhi-110002 in dismissing/terminating/discontinuing the services of Mrs. Pooja Vinod Arya, Assistant Accountant with effect from 01-03-2005 is just, valid and legal? If not, to what relief the workman is entitled to?"

(2) "Whether the action of the management of Bombay Mercantile Co-operative Bank Limited in dismissing the services of Smt. Reeta Babbar w.e.f. 01-03-2003 is just, fair and legal? If not, to what relief the workman is entitled and from which date?"

(3) "Whether the action taken by the Disciplinary Authority of Bombay Mercantile Co-operative Bank Limited in dismissing from the services of Mrs. Virendra Kumari, Ex. Clerk, Code No. 2578 of Darya Ganj, Delhi Branch w.e.f. 01-03-2005 is just, fair and legal? If not, to what relief the workman is entitled to and from which date."

I.D. Case No.6/2006 has been raised by Mrs. Pooja Vinod Arya. I.D. Case No.7/2006 has been raised by Mrs. Reeta Babbar. I.D. Case No.26/2006 has been raised by Mrs. Virendra Kumari. All these I.D. Cases have been filed against the same management. All the three workmen have been served the same charge-sheet and the same Enquiry Officer has found the charges leveled against all these three workmen proved. All the three workmen have been dismissed by the management after the findings of the Enquiry Officer by the Disciplinary Authority. The appeal of these workmen has also been rejected by the Appellate Authority.

The question of common fact and law are involved on these cases. These cases can be adjudicated by common finding. Evidence in these cases has been taken separately. All the cases are taken up together. The claim of Mrs. Pooja Vinod Arya in I.D. Case No.6/2006 is as under:

The workman applicant has filed claim statement. In the claim statement it has been stated that the claimant was appointed with Bombay Mercantile Co-operative Bank Limited with effect from 15-06-1982 and was holding the post of Assistant Accountant, Code No. 1499 at the time of her illegal dismissal from the services of the bank.

That the workman had put up 23 years of unblemished services with the bank and she had been discharging her duties most diligently and efficiently. There was no cause of action in her entire service on any account whatsoever.

That the workman was placed under suspension vide office order No. 67/STF/IR/13432 dated 08-12-2004 of the bank for the alleged misconduct of committing omission and commission while performing her duties due to which fraudulent withdrawal of Rs. 1, 75, 000 had been made from the Savings Bank Account No. 54693 of Sh. G.K. Marwah.

That the workman was issued charge sheet vide letter no.67/STF/IR/4189 dated 22-12-2004 enumerating certain charges therein. The claimant was charged as under:

"Ms. Pooja Vinod Arya acted negligently and recklessly displaying lack of banking knowledge while performing her duties as Assistant Accountant due to which an amount of Rs. 1, 75, 000 has been fraudulently withdrawn from the Saving Bank Account No.54963 of Mr. G.K. Marwah."

That the workman replied the chargesheet vide her letter dated 07-01-2005. However, the management vide their letter No.67/STF/IR/1492 dated 06-01-2005 had appointed Justice Abdul Sattar Qureshi as Inquiry Officer in respect of the chargesheet No.67/STF/IR/4189 dated 22-12-2004 to inquire into the charges.

That the Inquiry Officer conducted the inquiry in a partition manner and his findings are perverse and illegal against the principles of natural justice.

That the workman did not act negligently or recklessly while handling the cheque no.510833 dated 30-11-2004 issued by Sh. G.K. Marwah, Holder of SB A/c. No.54963. In fact, she had taken all the precautions and diligences as a prudent man would have been taken in such circumstances.

That a cheque no.510833 dated 30-11-2004 for Rs. 1,75,000 drawn by Sh. G.K. Marwah was presented for payment on 01-12-2004. It was, observed that the crossing on the said cheque was cancelled by the account holder, he further authorized to make the payment in cash. The name of the payee, M/s. Ansu Arun Construction was struck off by writing the word "self".

That the ink/pen used for the alterations as seems to be different. However, there are no laid down instructions in respect of the writing/alterations being made in the cheque in the same pen/ink by the drawer. The procedure adopted in the bank was that such differences should be ignored. Hence, the workman processed the cheque especially when the Branch Manager instructed to do so.

That the cheque was verified and passed by M/s. Reeta Babbar and it had finally come to the workman for payment. It was the duty of Ms. Reeta Babbar to thoroughly examine the signature and ensure that the signature on the cheque pertain to the drawer. She was having the relevant documentation in her disposal and the workman was not having access of the documents. Once it was verified and passed, the workman had little choice or authority to withhold the payment but to release the payment in accordance with the practice.

That the instrument was brought to the workman by Mrs. Meera Bawa, the Branch Manager of the bank after it was duly verified and approved by the supervisor for final payment. It was pointed out to the Branch Manager that the instrument in question was being numerous cutting/alterations and what was to be done in the matter. The Branch Manager specifically instructed the workman that the cheque should be passed for payment as it belong to an important customer. Mrs. Bawa further directed to feed the instrument in computer and also to release the payment as she already spoke to the drawer of the cheque with the word "Ho Gayee Hai, Kar Do". It seems from the circumstances of the case that Mrs. Bawa single-mindedly pushed through the cheque at all counters disregarding their reservations and objections. The workman had simply carried out the instructions of the superior after pointing out the discrepancies as a law-abiding employee of the bank. The workman therefore, could not be held responsible for any negligence or recklessness.

That it was charged an amount of Rs. 1,75,000 had been fraudulently withdrawn from the saving bank account

no.54963 of Mr. G.K. Marwah whereas no motive was adduced or proved in the entire course of inquiry. Hence there was no fraudulent intention on the part of the workman and it was a genuine bonafide mistake.

That the Inquiry Officer did not consider the fact that the workman was the last chain in process of clearing the cheque and there was no fault on the part of the workman when she was directed to pass the cheque by the Branch Manager otherwise it would have been a misconduct for the disobedience of her superior.

That Mrs. Babbar, the supervisor of the bank also pointed out the discrepancies, which was again brushed aside by Mrs. Bawa, the Branch Manager with the words "Ho Gayee Hai, Kar Do". There was adequate caution and checking at the lower level and above the position but it was due to the indulgence of Mrs. Bawa the cheque in question was encashed.

That the cheque in question bearing no. 510833 dated 30-11-2004 for Rs.1, 75, 000 issued by Mr. G.K. Marwah comes under the category of big amount cheque, a peculiar procedure followed in the bank. As per the practice of the bank, the big amount cheques are presented with a big amount slip and require a second authorization. Further the Branch Manager is required to talk to the party concerned in respect of big amount cheque. The Branch Manager after talking to the party concerned, enter the details of the cheque in the register maintained for the purpose. The Branch Manager makes endorsement in this respect on the cheque and thereafter the cheque goes for cash payment. That the duty cast upon the workman was to verify the particulars of the cheque i.e. date, amount, cheque no. and balance in the drawer's account from the computer. The workman did not have any access to the signature of the party concerned on her terminal and therefore, she could not verify the signature on the cheque in question from the computer scanner.

That regarding signature, the primary duty of verification of genuineness of signature was that of Assistant Accountant, Mrs. Reeta Babbar, who verified the signature of the drawer of the cheque in question under the stamp and signature and workman relied upon the same.

That the normal practice in the bank was that the cheque was presented in counter and a token issued against its receipt. It was subsequently verified its particulars and thereafter verified the signature of the drawer. Then it goes to the officer for authorization who make necessary inquiry and finally pass the cheque. In the present case, the cheque in question was passed by the Branch Manager and it was brought to the workman thereafter for making entry in the computer of the particulars. Necessary token was issued after all the requisite formalities were completed on the pretext of Mrs. Bawa. This made the workman of little scope for further inquiry in the matter.

That it is established practice of the bank to bring to the knowledge of the superior of any deficiency in the

instrument and seek his/her further instruction for further course of action. Accordingly the charged employee brought to the notice of Mrs. Bawa, the Branch Manager about cutting in the cheque in question but the same was brushed aside by Mrs. Bawa stating that she has satisfied herself about the same. The Branch has not evolved any system of raising objections in writing and referring the same to the senior officer otherwise the charged workman would have raised objections in writing and hence the cheque in question was passed over on good faith.

That the instrument otherwise was in order, the workman entered the instrument in computer in good faith after verifying the fact that there was sufficient balance in the drawer's account. The workman did not suspect any foul play criminality as the account holder/drawer, Mr. Marwah is very important customer of the bank and also to the fact a similar cheque was paid in cash a few days earlier. Moreover, the Branch Manager finally authority to clear big amount slip had satisfied herself in the matter and ordered to pass the payment.

That at the time of inquiry, the workman made several requests before the concerned authorities orally and in writing vide letter dated 07-02-2005 and the 14-02-2005 for furnishing of material documents relied upon which were not given during the course of inquiry. This has seriously jeopardized her opportunity to reply to the chargesheet properly and also vitiated the inquiry proceedings. The failure of the Inquiry Officer to furnish the workman copy of the preliminary inquiry report, the copies of documents relied upon and statement recorded during the inquiry had caused prejudiced to the workman.

That the statements of the witnesses were not recorded before the workman and no opportunity was given to her for cross-examination of the witnesses, which is a serious flaw in the inquiry. The workman was also not given a copy of the inquiry proceeding as required under para 14 of the "Terms and Settlement."

That the inquiry was farce, prejudiced and unfair which took hardly ten minutes to conclude the inquiry. Neither inquiry proceedings, copy of the witnesses nor the witnesses were allowed to be cross-examined by the workman. The inquiry officer was biased and pre-determined to impose major penalty in the matter.

That the workman had not been named in the statement submitted to the SHO, P.S. Daryaganj and no fraudulent activity could be placed before the door of the workman. That the Inquiry Officer in his inquiry report observed that "although the prime accused in this case could be Mrs. Bawa, but the other five employees also have to be co-accused to stand their trial. The court of competent jurisdiction will decide on the basis of sworn evidence in the court who is guilty and who is not". Evidently all the employees could not be given the same type of penalty when the gravity of offence could be segregated. The

penalty of dismissal imposed on the workman is disproportionate to her guilt, as she has not committed any offence as she simply carried out the instructions of her superior.

That the management has fully recovered the amount of Rs. 1,75,000 from the officers/ employees involved in the matter including the workman. It is against the principles of natural justice that double punishment would be given for the same offence.

That the workman is unemployed since alleged termination of her services and she has not been able to get any alternative employment despite her best efforts. That there is no material on record to suggest that there was willful default of the workman due to which an amount of Rs. 1,75,000 has been fraudulently withdrawn from the saving bank account no. 54963 of Mr. G.K. Marwah. The act of the workman amounted to mere negligence and not a deliberate and intentional act.

It is thus, the claim/demand of the workman that the punishment imposed upon deserved to be declared illegal and unconstitutional being contrary to the evidence and material on record and being highly disproportionate and excessive.

That the act of the management in dismissing the services of the workman w.e.f. 01-03-2005 is illegal and unjustified and the same is liable to be set aside. The workman is entitled to reinstatement with full back wages and in continuity of service.

That under the circumstances, it is, therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to pass an award in favour of the workman holding the termination of the service of the workman illegal and unjustified with directions to the management to reinstate the workman with full back wages, consequential benefits and in continuity of service including compensation for wrongful termination. Cost of the adjudication may also please be awarded.

The claim of Mrs. Reeta Babbar in ID case No. 7/2007 is as under :—

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman was employed with the bank as an Assistant Accountant for last 26 years and her last drawn salary was Rs. 18750 per month.

That the work and conduct of the workman was very good and there was no complaint of any kind against her work.

That the workman was put under suspension vide order dated 08-12-2004 of the management however no reason was communicated to the workman for her suspension. That subsequently vide letter dated 22-12-2004 a charge-sheet was served upon the workman in which inter-alia it was stated that on 01-12-2004 a cheque for Rs. 1,75,000 was presented for payment in the Delhi

Branch and the workman acted recklessly and negligently and also displayed lack of banking knowledge and criminal motivation to cause pecuniary loss to the bank with corresponding financial gain to the bearer of the instrument while verifying the signatures consequently an amount of Rs. 1,75,000 was fraudulently withdrawn from the SB Account of the account holder.

That the charges leveled against the workman were totally false and baseless as the workman has not committed any misconduct as listed in the chargesheet. However a written explanation dated 11-01-2005 was submitted by the workman to the management in which it was explained in detail that the charge sheet was not based upon true facts and further that the workman had no role whatsoever to play in the fraudulent withdrawal of the cash against the cheque. It was further pointed out that in fact the workman had pointed out the discrepancies in the cheque to the head of her section and her superior officer Ms. Bawa, who specifically directed to the workman to clear the cheque and further that Ms. Bawa had verified the facts from the account holder. It was also stated clearly that the workman had acted diligently and brought the discrepancies to the notice of her senior and therefore the charges of acting recklessly were prima-facie false and baseless.

That however the management with a view to terminate the services of the workman, closed its eyes from the reality and initiated an inquiry without even considering the explanation of the workman. That the workman was served with a show cause notice dated 31-01-2005 to which she sent a reply dated 07-02-2005.

That however, the management, without application of mind, in an illegal manner, with a view to victimize the workman passed an order dated 01-03-2005 dismissing the workman from service.

That the dismissal of the workman is totally illegal and void ab initio as not only it was based upon malice and vindictiveness but also was passed by the management without giving the workman an effective opportunity to defend herself and her dismissal is guided by extraneous considerations.

That the so called inquiry was a total farce and eye wash and conducted in total disregard to the principles of natural justice in as much as the inquiry officer was totally biased and a hand picked person of the management who has imported his own notions and concepts while conducting the inquiry as well as while preparing the report.

That the inquiry was held only on two dates proceedings, the procedure to be followed in the inquiry was not explained to the workman. This fact by itself vitiates the inquiry as the man acting as the inquiry officer was as informed by the management a retired judge and therefore well conversant with the legal principles and procedures whereas the workman was a common person, having no knowledge whatsoever about the legal procedures and

complexities of law. The request of the workman to be assisted during the inquiry by her representative was not allowed by the inquiry officer.

That on 10-01-2005, the first date of the inquiry, the workman was straight away grilled by the inquiry officer and he made some noting on the paper and the workman was made to sign on them. The specific request of the workman to be supplied with a copy of whatever was recorded by him and her signatures obtained on it, was refused by the inquiry officer. Once again the workman made a request that as she was totally unaware of the procedure of the inquiry and further that the charges leveled against her were grave and of serious nature, she may be allowed the assistance of a friend as per the applicable rules. But the inquiry officer once again brushed aside her request stating that he was a judge and thus well aware of the procedure to be followed.

That on the second dated i.e. 12-01-2005, once again questions were put to the workman by the inquiry officer, to which she replied. The inquiry officer made the workman to sign on some papers but again refused to supply copies of those papers. The workman further requested the Inquiry Officer that the statements of other witnesses as well as the documentary evidence produced by the management before him be also supplied to the workman but he asked the workman to go home. Subsequently the report submitted by the inquiry officer showed that he was supplied some material against the workman by the bank, of which the workman was not made aware which is against the principles of natural justice and thus, vitiates the inquiry.

That the Inquiry Officer was acting more as a prosecutor than as an independent persona and he was rather putting words into the mouth of the workman to suit his convenience and to prove somehow the guilt of the workman.

That during the inquiry, which ended on 12-1-2005 after recording the statement of the workman, the management produced no evidence in the presence of the workman. Whatever information was supplied to the inquiry officer by the management, it was behind the back of the workman and the workman was not afforded any opportunity to inspect it to make her submissions on it or cross-examine witnesses of the management. The procedure adopted by the inquiry officer was highly objectionable, as he did not follow the principles of natural justice while conducting the inquiry. He has conducted the inquiry more like a criminal trial, importing his own prejudices as well as suggestions, which by itself is enough to vitiate the inquiry.

That the perusal of the report of the inquiry officer displays that the interest of the management was paramount in the mind of the inquiry officer inasmuch as he exceeded his brief and instead of giving an impartial verdict in the matter, and gave suggestion to the management as to the

way the chargesheeted employees were to be treated which show that the inquiry officer who should have been an independent person, concerned with conducting a fair and free inquiry in respect of the charge sheets served upon the workman, travelled beyond his brief and went into advising the management about the ways of punishing the workman as well as other charge sheeted employees. It shows beyond doubt that the inquiry officer was utterly biased in favour of the management.

That the report submitted by the inquiry officer is totally perverse and deserves to be vitiated on the ground that is based upon extraneous and irrelevant considerations.

That the report of the inquiry officer is also perverse on the ground that he totally ignored and overlooked the fact that while discharging her duties, the workman acted under the instructions of her seniors/superiors and further that she was not at all negligent in discharge of her duties. The discrepancies in the cheque were brought by the workman to the knowledge of her senior/superior Mrs. Bawa and on her specific instructions that she had verified the alterations and that they were in accordance with the accepted banking procedure, the workman processed the cheque. The inquiry officer has severely misdirected himself and imported the tests that might be relevant in a criminal trial and not relevant in a domestic inquiry and passed a guilty verdict against the workman.

That the inquiry officer had no material before him to find the workman guilty as he himself has discussed in paras (x) and (xi) of the report at page 12-13 that Mrs. Bawa was trying to use her influence to see that the cheque in question was passed and paid without any problem being created by anyone associated with the process of passing the cheque and releasing the payment.

That the inquiry officer did not provide opportunity to the workman to cross-examine the persons whose testimony was recorded by him being the back of the workman and was used as evidence against the workman and this fact also vitiates the process of the inquiry.

That further the bias of the inquiry officer is evident from the fact that he has recommended termination from service which is certainly much beyond the scope of the inquiry conducted by him. As admitted by the inquiry officer, he was only called upon to conduct a fair and free domestic inquiry and submit his report to the management. However, in his over zealousness he has not only found the workman guilty of the charges but also recommended prosecution as well as dismissal from service which is the jurisdiction of the Disciplinary Authority. Therefore, the inquiry officer has overstepped his authority and seriously misdirected himself.

That the inquiry conducted by the management is also bad in the eyes of law as the workman has not been paid her legal due subsistence allowance during the inquiry

and because of this reason the workman had been seriously prejudiced in her defence.

That without prejudice to the above it is submitted that the punishment awarded to the workman is very disproportionate, as it has now come to light that the cheque was stolen from a deposit box by criminals and encashed fraudulently.

That the workman appealed to the competent authority, vide her appeal dated 23-03-2005 but it was rejected by the management.

That the workman submits that her termination is illegal and unjustified and thus, liable to be set aside and she be reinstated with continuity of service and full back wages.

That without prejudice to the above it is submitted that the punishment imposed upon the workman is too harsh as the workman had no involvement in the matter of the chargesheet and admittedly acted on the instructions of her superior officers only.

That the workman is unemployed from the date of her illegal termination and could not find any employment despite trying her best. She is meeting her household expenses from taking loans etc. from her relatives and friends. The claim of Mrs. Virendra Kumari in ID Case No. 26/2006 is as under :

In the statement of claim it has been stated that the workman has been serving as Clerk in the Bank. Her duties have been to issue token on the cheque being presented to her. At the time of issuance of token she is supposed only to verify whether account number on the cheque is the same, whether sufficient amount is available in the account. Beyond this she is not supposed to do anything.

That the workman has rendered 14 years of unblemished services with the bank and she had been discharging her duties most diligently and efficiently. There was no cause of action in her entire service on any account whatsoever.

That the workman was suspended by respondent No. 1 vide order No. 67/STF/IR/13433 dated 08-12-2004 on the following grounds :

"It is reported that Mrs. Virendra Kumari, Code No. 2578, Clerk working at our Delhi Branch committed acts of omission and commission while performing her duties due to which fraudulent withdrawal of Rs. 1,75,000 has been made from the said account."

That the workman was issued chargesheet by respondent No. 1 vide letter No. 67/ STF/IR/ 14190 dated 22-12-2004 wherein the workman was asked to submit written explanation within ten days. The chargesheet was not accomplished with any documentary evidence. The workman was charged as under:

"Mrs. Virendra Kumari acted negligently and recklessly displaying lack of banking knowledge while performing duties as clerk due to which an amount of Rs.1,75,000 has been fraudulently withdrawn from the SB Account No. 54963."

That the charges were not clear and specific. These did not give the material particulars of the specific act of misconduct levelled against the workman in the charge itself. In fact, no statement of allegations has been appended with the chargesheet. The charges itself did not give an idea of the evidence which is against the workman. The chargesheet has been issued with a biased and closed mind with the purpose of victimizing the workman for no fault whatsoever. Even the chargesheet did not indicate the name and designation of the signing authority issuing the chargesheet. It only indicates some signature saying as "Disciplinary Authority". Thus, it cannot be held to be drawn by the competent authority and the entire proceedings based on such chargesheet deserves to be quashed.

That the workman gave a letter to the respondent No.1 requesting as under:—

"The chargesheet mentions a number of discrepancies which cannot be verified without a copy of the alleged cheque. It is, therefore, requested that a copy of cheque be provided so that I can give a suitable reply to the chargesheet. I assure you that I shall be able to give a reply to the chargesheet within 10 days of receiving it.

I have further come to know that a case has been lodged with the police so it is best that the police be allowed to work in its own way without any hindrance and the fate of complaint/FIR be decided.

In the meantime it is requested that my suspension be revoked and I be allowed to resume duties as it is undue mental strain and harassment."

That the respondents have not given any documents and even replied to my letter. That the respondents with a view to terminate the services of the workman closed its eyes from reality and initiated inquiry without even without giving the necessary documents as requested specifically so as to enable the workman to submit proper explanation within the short period of 10 days. Thus, inquiry report be quashed.

That the cheque in question bearing No.510833 dated 30-11-2004 for Rs.1, 75, 000 issued by Mr. G. K. Marwah comes under the category of big amount cheque. As per the practice of the bank, the big amount cheques are presented with a big amount slip and require a second authorization. Further the Branch Manager is required to talk to the party concerned in respect of big amount cheque. The Branch Manager after talking to the party concerned enters the details of the cheque in the register maintained for the purpose. The Branch Manager makes endorsement on the cheque and thereafter the cheque goes for

encashment. That the workman duty was only to issue token number and that there has been no negligence / misconduct in this respect.

That the workman verified the particulars of the cheque in question i.e. dated, amount, cheque number, balance drawer's account. The workman did not have any access to the signature of the party concerned.

That the instrument was otherwise in order, the workman was not able to suspect any foul play as a account holder/drawer, Mr. G.K. Marwah is very old and important customer of the bank. However, there is no embargo on the cheque being filled up in two different handwriting/ inks, and the primary duty of verifying the genuineness of the cheque and its signatures was that of Assistant Accountant, Mrs. Reeta Babbar. That the workman was shocked to receive letter No.67 /STF /IR/ 14695 dated 06.01-2005 informing that Hon 'ble Justice, Abdul Sattar Qureshi has been appointed as Inquiry Officer in respect of chargesheet issued in the matter. That inquiry will be held on Tuesday the 11th January, 2005 at 2:30 PM at Bombay Mercantile Co-operative Bank Limited, Regional Office, New Delhi. That this letter had come from the respondent No. 1 and not from the inquiry officer appointed in the matter. That even the copy of the order of appointment has not been provided to the workman in the matter.

That the workman was shocked to receive show cause notice for dismissal No. 67/STF/IR dated 31-01-2005 enclosing therewith copy of Inquiry Report of Mr. Justice Abdul Sattar Qureshi holding that the charge levelled against the workman stands proved. As per this show cause notice the workman was asked within seven days of the receipt of this show cause notice why she should not be dismissed from the service. This show cause notice was received on 02-02-2005.

That the time given for reply to the show cause notice being only seven days has been very short keeping in view the nature and complexity of the matter.

That the show cause notice being for dismissal from service do not suggest as to why the respondent No.1 is inclined to impose such heavy punishment when workman role in the whole episode is only for merely for issue of token against the proper cheque presented to her.

That the workman reply to the Show Cause Notice vide letter dated 08-02-2005 submitting 10 points in the matter to withdraw the charges, revoke suspension and allow to join duty. That none of the point as submitted by the workman have been considered by the respondents to do justice in the matter. That any prudent and reasonable authority after considering the reply would have come to the conclusion that nothing survives against the workman and she is being victimized for no fault whatsoever in the matter. The workman reply upon all the submissions made in this letter.

That the Inquiry Report is bad in law and cannot be made the basis of punishment. The so called inquiry was a total farce, eyewash and conducted in total disregard to the principles of natural justice in as much as Inquiry Officer was biased and hand-picked person by the management who have imported his own notions on the following grounds:

- (i) 10-01-2005: First day of hearing, Statement of Mrs. Meera Bawa and Mrs. Rita Babbar recorded.
- (ii) 11-01-2005: Statement of 3 more chargesheeted officers recorded.
- (iii) 12-01-2005: Statement of Mrs. Rita Babbar recorded second time.
- (iv) 15-01-2005: Mrs. Bawa recalled for further clarification and gave her further statement. Statement of Branch Manager, Mr. Mohd. Asadullah recorded.
- (v) 18-01-2005: Statement of Branch Manager, Mr. Mohd. Asadullah recorded.
- (vi) 19-01-2005: Statement of Branch Manager, Mr. Mohd. Asadullah recorded.

That against the dismissal order workman filed an appeal vide letter dated 22-03-2005 to the respondent No. 1 making various submissions to set aside the order of dismissal. That herein also I requested for personal hearing in the matter which has never been granted till date. The workman relies upon all the submissions made in the matter.

That the order passed by respondent No. 1 in the matter is not reasoned order so the workman has not been able to challenge effectively before this Hon'ble Court itself.

That in this case most of the observations made and conclusions drawn by the Inquiry Officer as seen from the inquiry report is based on extraneous matter, collection and placing of on record of material unknown to the workman in as much as no cross-examination has been permitted. It has been held by the Hon'ble Supreme Court in the case of State of Mysore Vs. S.S. Makapur (1963) 2 SCR, 943: AIR 1963 SC 375, that it is highly improper for an inquiry officer during the conduct of an inquiry to attempt to collect any material from outside sources and not make that information, so collected available to the delinquent officer and further make use of the same in the inquiry proceedings.

That the recommendation in Para 10 of the Inquiry Report of taking criminal proceedings against the six employees named in the preliminary report of Branch Manager is beyond the jurisdiction of the Inquiry Officer. The Inquiry Officer is supposed to give his findings merely on charges levelled, whether proved or otherwise keeping in view the evidence produced in the matter after following the principle of natural justice.

That the workman has been dismissed on the basis of the findings of the inquiry officer which has not been

conducted keeping in view principles of natural justice based on extant consideration and not at all in equity, good conscience, just and fair manner.

That the name of the workman does not figure in the Complaint dated 10-12-2004 wherein complainant has been lodged with Police Station House Officer, New Delhi taken as M-II by Inquiry Officer in its inquiry report.

That without prejudice to this it is submitted that punishment awarded to the workman is very disproportionate as it has come to light that the cheque was stolen from a deposit box by the criminal and encashed fraudulently. The role of the workman had been only of issuance of token against a valid cheque presented.

Under the circumstances it is therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to pass an award in favour of the workman holding to termination of services of workman as illegal and unjustified with direction to the management to reinstate the workman with full back wages, consequential benefits and with continuity of service including compensation for wrong termination, cost of adjudication may also please be awarded.

The management has filed written statement in all the above mentioned three cases separately but the pleadings are the same except the individual particulars of the workman. The written statement is as under:

That the present claim is not maintainable as the claimants are not workmen as defined under Section 2 (s) of the ID Act, 1947, although for the sake of convenience they are addressed as workmen in this reply. At the time of her removal from service she was working as an Assistant Accountant. Their nature of work was supervisory in nature and therefore they cannot raise a dispute before this Court. That without prejudice to the above it is submitted that the workmen were removed from service after conducting a domestic inquiry in the charges of misconduct by a retired Judge of the High Court and on the basis of the report of the inquiry officer in which the workmen were found guilty of the charges leveled against them.

The removal was just and fair and the management rely upon the record of the inquiry conducted of the Hon'ble Court arrives at a finding that the inquiry conducted by the management was not fair and proper, the management seeks liberty to lead evidence before this Hon'ble Court to prove the charges of misconduct leveled against the workmen. It is submitted that as the explanation tendered by the workmen were not satisfactory, the management decided to conduct a domestic inquiry in the matter of the charges leveled against the workmen and the management appointed an independent inquiry officer. The management also initiated suitable action against other members of the staff who were part of the transaction leading to fraudulent withdrawal of money from the account of a account holder of the bank.

It is denied that the findings of the inquiry officer were perverse or that they were not in accordance with law. The inquiry officer submitted his report based upon the material on record and there is no infirmity in his report.

It is denied that the workmen took all the precautions as a diligent person should have taken while clearing the cheque for payment. The workmen did not adhere to the procedure as prescribed for such matters and therefore the bank suffered a loss of Rs. 1, 75,000. It is submitted that the management bank has procedure to deal with the matter as stated in para under reply and the workmen were definitely negligent in making the payment of the instrument as the same had alterations on it. The workmen were negligent inasmuch as they failed to display knowledge of banking procedures and thus liable to face disciplinary action. As stated in para under reply, as the workmen noted down the difference in writing and the ink and the amount was also big, they should have displayed more caution than in ordinary case and could have averted the fraud by showing presence of mind and vigilance.

The fact that some one else had committed some mistake does not absolve the workmen to discharge their duties carefully. However, the workmen themselves were careless and negligent and thus helped in perpetration of fraud upon the bank.

It was open to the workmen to question the cutting, as they were also responsible for discharging their duties in a faithful manner in accordance with the procedure described and prescribed in the management bank, for the benefit of the bank. Assuming though not admitting that some other employee was also negligent does not lessen the gravity of the misconduct of the workmen.

That in order to give further opportunity to the workmen to put their defence the management conducted a fair and proper inquiry in the matter of the chargesheet. It is submitted that the mere fact that money was withdrawn fraudulently was enough to bring home charges against the workmen and there was no necessity to prove motive against the workmen. Intention or the motive of the workman was irrelevant and therefore the management was justified in taking disciplinary action against the them.

That the inquiry officer considered all the relevant material brought before him and the fact that the workman was last in the chain of transaction was not of any relevance as indeed she was part of the transaction leading to fraudulent withdrawal of money and loss to the bank.

That the workmen were duty bound to bring to the notice of their superiors the other discrepancies in the cheque although they had no access to the signatures of the customers. The workmen could have requested the relevant person to re-verify the signatures or to be more careful in the transaction as the amount involved was big. The workmen are trying to shift their blame upon the other and the negligence if any on the part of any other employees does not any way lessen the gravity of the misconduct of the workmen.

It is submitted that the little scope the workmen admittedly had was not exploited by the workmen thereby admitting their mistake. The fact that the workman acted in a mechanical manner was the root cause of the fraud perpetrated against the management bank.

It is denied that the bank has no system of making representations in writing in case any employee had any doubt. The workmen were negligent and therefore they failed to exercise due diligence in the matter causing loss to the bank.

It is submitted that each transaction is an independent one so far as the banking business is concerned and the fact that similar cheque was paid previously or that the account has sufficient balance does not mean that the workmen had the licence to be careless at any given point of time. The averments as made in para under reply rather go to display the casualness of the attitude of the workmen in discharge of their duties.

It is submitted that no such request, as contained in para under reply, was made by the workmen before the Inquiry Officer and such objections cannot be taken at this stage. Without prejudice to the above it is submitted that there was no preliminary inquiry report in the matter and therefore there was no question of supplying any copy of the same to the workmen. It is denied that the defence of the workmen was jeopardized in any manner as stated in para under reply.

The inquiry was fair and proper and the management relies upon the record of the proceedings in support of its case. It is denied that the inquiry officer was prejudiced or biased as alleged. The inquiry officer was an independent person and was very fair during the inquiry. He did not side with the management and the allegations against his integrity are baseless and deserve to be rejected.

It is denied that the inquiry officer was biased prejudiced or predetermined. However it is submitted that the recommendations of the inquiry officer were recommendatory in nature and in no way affected the decision making process of the management. It is totally false and hence denied that the disciplinary authority issued show cause notice under the influence of the officer. As stated above, the management applied its own mind while issuing the show cause notice and in no way it was influenced by what the inquiry officer has stated in his report.

It is wrong and denied that their removal was on the basis of a perverse report as alleged. The report of the inquiry officer was fair and proper and based upon the material on record. The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It is necessary to set out the facts of the case to bring the main points to the time light. It is admitted to both the parties that the account holder, Mr. G.K. Marwah, Secretary, Revenue and Divisional Commissioner, NCT of Delhi issued a cross-cheque bearing No.510833 dated 30th November, 2004 for Rs.1,75,000 in favour of M/s. Ansa Arun Construction on 1st December, 2004. The said cheque was presented for payment at Delhi Branch in the said account along with big amount slip dated 30th November, 2004 by an unknown person. The crossing on the said cheque was cancelled by writing across the cheque "crossing cancelled please pay to self authenticated by A/c holder. The name of the payee M/s. Ansa Construction was struck off by the word "self". The alterations were made in different handwriting and it contained mistake in spelling and languages. The signature authenticating the alterations do not tally with the signatures of the account holder. However, the cheque was honoured and payment of Rs. 1,75,000 was made accordingly. Mr. Marwah denied the canceling of the cheque and making itself payee.

Show cause notice was issued to Mrs. Reeta Babbar, Mrs. Virendra Kumari, Mr. Subedar Ali, Mrs. Pooja Vinod Arya & Mrs. Meera Bawa. The claim has been filed by Mrs. Reeta Babbar, Mrs. Pooja Vinod Arya & Mrs. Virendra Kumari. The charge-sheet to these employees named above has been served. The signatures appearing on the cheque and big amount slip were verified by Mrs. Reeta Babbar, Assistant Accountant. It has been alleged in the chargesheet that she has ignored the irregularities and abnormalities as the handwriting appearing on the big amount slip does not tally with the handwriting of the drawer appearing on the cheque. The signatures appearing on the big amount slip at two places do not tally with the signatures of the drawer bearing the cheque. The handwriting in the alterations on the cheque and signatures authenticating the same differ from the writing and signature of the drawer. The signature on the back of the cheque also does not tally with the signatures of the drawer.

It has been further alleged in the charge sheet that Mrs. Reeta Babbar acted recklessly and negligently and displayed lack of banking knowledge and caused financial loss to the bank.

The chargesheet was issued to Mrs. Virendra Kumari. She had issued token No. 73 against the said cheque without referring the same to the concerned official/ Branch Manager and ignoring the irregularities and abnormalities as stated in the chargesheet of Mrs. Reeta Babbar. She has been also charged for acting negligently and recklessly and displayed lack of banking knowledge etc.

The same chargesheet has been issued to Mrs. Pooja Vinod Arya who made first supervision of the cheque.

After considering the explanation submitted by all the three chargesheeted employees the inquiry was instituted and Sh. Abdul Sattar Quareshi was been appointed the Inquiry Officer. The Inquiry Officer found all the charge sheeted employees guilty of serious misconduct in discharge of their duties and found the charges proved and recommended dismissal of the services of all the three employees.

The management served a show cause notice for dismissal and thereafter all the three employees have been removed from service. Mr. Md. Israel Khan, Officer has stated during the inquiry as under:

"On 1st December, 2004 when the cheque of Mr. Marwah was brought to me I noticed several discrepancies including the cheque having been altered from the crossed cheque to a bearer cheque. I did feel suspicious and therefore, I brought it to the notice of the Incharge Mrs. Meera Bawa. I also told her that she may verify this alteration by talking to Mr. Marwah on phone. Mrs. Bawa told me that I should clear that cheque because it was that of Mr. Marwah who is an important client of the bank."

Mrs. Virendra Kumari, Clerk has also stated during the inquiry as under:

"On 1st December, 2004 Mrs. Bawa came to me with a cheque of Rs. 1,75,000 and told me to issue a token. I took the cheque and gave a token to Mrs. Bawa. Mrs. Bawa came to me alone. No customer accompanied her Mrs. Reeta Babbar as also stated during the inquiry as under:

"It was brought to me by the Incharge, Mrs. Meera Bawa. My duty is to compare the signatures on the documents which are presented for encashment. Accordingly, when Mrs. Bawa handed over the said cheque I verified the authenticity of the cheque with the specimen signatures of the account holder as per the bank's norms. I found that the signature at the bottom of the cheque was in order. It tallied with the specimen signature but the signature below the alterations or scoring out the cross and making it bearer one did not tally with the specimen signature. I brought this fact to the notice of Mrs. Bawa. She told me that you clear the cheque."

"I simply obeyed the order of Mrs. Bawa who is my superior officer and was "Incharge" at that time. Mrs. Bawa made the person who had come for receiving payment of the cheque to sit in the Manager's Cabin. I noticed that she had got served tea or cold drink to the person who had presented the cheque. The person was a male and not a female. I was sitting in such a position that I could not see the face of the person directly. But from the side look it appeared to me that the man was a youngster, who was sitting in Mrs. Bawa's Chamber which is Manager's Cabin used by her as an Incharge. Mrs. Bawa went round to the other concerned employee of the bank for getting the cheque cleared."

Mr. Subedar Ali, Cashier-cum-Clerk has stated during the inquiry as under:

"The said cheque was presented to me by the then Incharge of Savings Department, Mrs. Meera Bawa. It was not presented by the person who had come for collection of the cheque." From perusal of the statement of these employees recorded during the inquiry it becomes quite obvious that Mrs. Meera Bawa was instrumental in getting the cheque cleared. She went on almost all the counters. She almost presented the cheque herself. Mrs. Pooja Vinod Arya has also informed the Branch Manager that Mrs. Bawa went to her with the cheque and the customer was seated in the cabin of Mrs. Bawa and was being served cold drinks by Mrs. Bawa. The duty of Mrs. Virendra Kumar was to issue token. The duty of Mrs. Reeta Babbar was to verify the signatures and that of Mrs. Pooja Vinod Arya to make first supervision. It becomes obvious from perusal of the statement of these witnesses that Mrs. Meera Bawa desired that the cheque should be cleared from every counter. The person who has brought the cheque was sitting in her Chamber and was being served cold drinks.

The statement of Branch Manager, Mr. Md. Dasdullah has also been recorded by the Enquiry Officer. He has stated during the inquiry as under:

"On certain occasions she did behave in somewhat irresponsible manner, for example, she once misleads the keys of the safe for the cash. She also at times asked the employees to do things as she wanted. Another instance is that of an account holder who was close to Mrs. Bawa, operated several accounts in the bank. At one point of time I passed an order whereby further debit was forbidden by me in that account. When the party approached me for passing a cheque of Rs. 10.00 Laçs I refused saying that no further debit can be allowed in that account. Later on I learnt that Mrs. Bawa had managed to get the debit approved by another officer who was connected to recovery only and had no authority to allow such a debit without my knowledge or consent. When this fact was brought to my notice by the ledger keeper I prevented the said transaction as it was sought to be done behind my back. I also know that she sometimes used to get the things done in an irregular or improper manner. I did not report about her occasional irregularities because I hoped that she would desist from doing irregular or improper things."

From perusal of the statement of the Branch Manager it becomes quite obvious that Mrs. Meera Bawa was in the habit of behaving sometimes in a irresponsible manner and she was in a habit of asking the employees to do things as she wanted. In one case the Branch Manager forbid Mrs. Meera Bawa for no further debit of an account holder who was acquainted with her but she got it passed from another Officer. This proves that Mrs. Meera Bawa was in the habit of getting the things done as she wanted.

The Branch Manager has also conducted preliminary investigation and he has given hint that the conduct of Mrs. Meera Bawa was suspicious and she was instrumental in getting the cheque passed.

The Inquiry Officer has also observed in his findings as under:

"Mrs. Bawa should not have disregarded objections, suggestions and cautions brought to her notice by her subordinate at different counters if she was really concerned about the interest of her employer, the bank, and its valuable clients. If she had heeded those cautions the fraud of paying out Rs.1, 75, 000 to a total stranger could have been easily averted. According to her four subordinate colleagues she took the cheque from counter to counter and got it cleared. It is totally unbecoming of an officer of her status and experience. Mrs. Meera Bawa denies this and claims that the cheque came to her as a last destination after getting passed through at all counters does not appear to be true.

There seems to be some substance in what her colleagues say and the circumstances of the case indicate that she single mindedly pushed through the cheque at all counters disregarding their objections etc.

Giving VIP treatment to a fraudulent man, poorly dressed, semi-literate with labour-type of appearance as if he was an important, valued customer serving him tea/cold drink while pushing through the cheque on all counters is inconsistent with Mrs. Bawa's innocence. "On the contrary it is consistent with her guilt." From perusal of the findings of the Enquiry Officer it transpires that the concerned employees requested Mrs. Bawa to contact Mr. Marwah, the drawer of the cheque but Mrs. Bawa told them that she has talked with him whereas in the inquiry proceedings she has stated that she did not talk to Mr. Marwah. It is true that she has told the employees that she had talked with Mr. Marwah regarding the cuttings over the cheque and asked them to pass the cheque. The Inquiry Officer has observed that there seems to be some substance in what the employees of the bank have said to her but Mrs. Bawa single mindedly pushed the cheque at all counters despite the objections of her colleagues.

The Inquiry Officer has further held that Mrs. Meera Bawa gave VIP treatment to a fraudulent man, poorly dressed, semi-literate with labour type of appearance as if he was an important customer.

This observation of the Inquiry Officer makes it clear that the person who brought the cheque was ill-clad labour type man and he was sitting in the cabin of Mrs. Bawa at the time when the cheque was processed and Mrs. Bawa went to all the counters with the cheque herself.

All the workmen have taken the stand that Mrs. Bawa was responsible for allowing this fraud by using her position and Incharge of the Saving Bank Department. They had no alternative but to clear the cheque at her behest in

spite of glaring defects and material alterations. All the discrepancies and material alterations have been brought to the notice of Mrs. Meera Bawa but since she insisted to clear the cheque, they only acted under her behest. The Inquiry Officer has also held that Mrs. Bawa asked the employees to get the cheque cleared.

Mrs. Meera Bawa assured the employees that she had conversation with the drawer of the cheque Mr. Marwah and she has confirmed the material alterations and cuttings. The subordinate employee can at best bring out the discrepancies, glaring defects and material alterations of the cheque to the knowledge of the Incharge and the Incharge was duty bound to contact the drawer of the cheque. The subordinate employees have no right to do it further or to stop the payment. Mrs. Meera Bawa assured them on their queries that she has talked to Mr. Marwah, the drawer of the cheque and she asked them to clear the cheque.

The employees cleared the cheque after being assured that Mrs. Meera Bawa has talked with Mr. Marwah the drawer of the cheque. Prima facie Mrs. Bawa is the principal accused for committing several criminal offences such as misappropriation, forgery, impersonation, criminal breach of trust and conspiracy. Perhaps she knew that there were material alterations in the cheque and she had mala fide intention to help the person who has brought the cheque and knowing it very well that alterations were not genuine and the signatures were not of the drawer on three places, she deliberately and with mala fide intention duped even her employees and told them that she had conversation with Mr. Marwah and the cheque should be cleared.

It cannot be said even prima facie that such employees have committed any criminal offence just as misappropriation, forgery, impersonation, conspiracy etc. There is only misconduct that they acted under the influence of Mrs. Bawa. It cannot be said that acting under the orders of the superior officers is a valid defence in a criminal trial but in domestic inquiry the matter is otherwise. When the cheque not properly authenticated is presented the only duty cast on the employees is to bring to the notice of the Incharge the irregularities and material alterations.

In the instant case the workmen have brought to the notice of the Incharge regarding the irregularities, material alterations in the cheque. It was the duty of the Incharge to get the objections removed. The Incharge assured them that she had conversation with Mr. Marwah, the drawer of the cheque, the cheque should be cleared. The fact is that Mrs. Bawa did not talk to Mr. Marwah as is evident from her statement in the inquiry and to the Branch Manager. So Mrs. Bawa knew it very well that the alterations have been made not by Mr. Marwah but by some other person, perhaps the person who presented the cheque. The person who brought the cheque was ill-clad and had the appearance of labour. The spelling of the word "cancelled"

is incorrect. It has been written as canceled. It must have been written by the person who brought the cheque. So Mrs. Bawa knowing it fully well that forgery has been committed over the cheque, the cheque does not bear the signature of the drawer on all the three points. The cross cheque has been converted to "self". Ignoring all these material discrepancies, Mrs. Bawa insisted that the cheque should be passed and her subordinate employees have no option but to pass the cheque.

In the instant case no malafide intention can be imported to these workmen. They have not committed any forgery and they had no intention that there should be fraudulent withdrawal. The only misconduct committed by these workmen is that they believed Mrs. Bawa and they acted at her behest. Thus, such conduct constitutes a minor misconduct. It cannot be said that the workmen have any intention to cause loss to the bank. They have no intention that fraudulent payment should be made to somebody but they cannot be absolved of their misconduct. They can have dis-obeyed Mrs. Bawa and they can have refused the clearance of the cheque but in normal course in the office of the public employment it is not done. They acted under the assurances of Mrs. Bawa and at the worst they acted negligently but they had no intention in doing so. They did so under good faith and with bonafide intention. The act of the workmen constitutes only neglect and neglect has been considered as minor misconduct in BTPS and punishment of reduction of wages has been mentioned therein. There is no such punishment of removal for a minor misconduct.

The Inquiry Officer has held that in criminal trial acting under the orders of the superior officers is not a valid defence. However, this case is concerned with domestic inquiry. Even in criminal trial mitigating and insinuating circumstances are considered by criminal court of law. It was submitted from the side of the workmen that the inquiry was conducted hastily and it was concluded on 6 dates. There is no time limit for conducting an inquiry. It can be conducted within a day.

There is no merit in the argument of the workmen that the inquiry was conducted by Retired Judge of Hon'ble High Court. It was of course true that the workmen have not been provided defence assistant and they have not been permitted to cross-examine the witnesses. There is no merit in the argument that the Inquiry Officer was pre-determined to find them guilty. There is no merit also in the argument that the Inquiry Officer has exceeded his right and he has recommended punishment also.

It is of course true that the inquiry has not been conducted in proper form. Opportunity for cross examination has not been given to the workmen. They have not been permitted to engage their own defence assistants.

None of the workmen have denied that a cross cheque of Rs.1,75,000 has been converted into a bearer one. They have also not denied that there were several discrepancies

in the cheque while it went to their counters. They have also not denied that they did not clear the cheque. No evidence is required regarding admitted facts.

The Inquiry Officer held that Mrs. Bawa got the cheque pushed through several counters. The Inquiry Officer has also held that a man ill-clad having labour type appearance was sitting in the Chamber of Mrs. Bawa and he was being given VIP treatment. The Inquiry Officer has also held that these workmen brought to the notice of Mrs. Bawa that the cheque contained several major discrepancies and irregularities. The Inquiry Officer has further held that there are substances in the statements of these workmen. Thus, the Inquiry Officer held that Mrs. Bawa got the cheque pushed through several counters and she told the workmen concerned to clear the cheque as she had talk with Mr. Marwah. An employee with a prudent mind can only bring the discrepancies of a cheque to the notice of the Incharge and in case Incharge assures that he/she had talk with the drawer of the cheque, the employees in natural course will give clearance of the cheque.

The Inquiry Officer has held that the fact of bringing the discrepancies of the instrument to the notice of the Incharge and thereafter acting in good faith under the instructions of the Incharge will not be a good defence in a criminal trial. The Inquiry Officer was not holding a criminal trial. He was conducting a domestic inquiry and even during criminal trial mitigating/extenuating circumstances are concerned by a court of law. The same punishment is not awarded to all the accused. The accused acting in good faith and with bona fide belief are given lesser punishment.

The only fault of these workmen is that they acted under the pursuasion of the Incharge, Mrs. Bawa. It is not a serious offence to act under the pursuasion of an Incharge. It was their duty no doubt to bring the anomalies and discrepancies of the cheque to the notice of the Incharge, they have done it. It is of course true that they could have refused the clearing of the cheque but in normal course of transaction the employees do not go to that extent. Mrs. Bawa told them that she had talk with Mr. Marwah and they believed her and that was the only misconduct committed by these workmen.

In the instant case the Inquiry Officer was to ascertain the truth behind the suspicious circumstances under which a prima facie forged cheque was got cleared. He has taken the statement of the workmen as well as the Branch Manager and he has drawn conclusions. In the circumstances of the case no evidence is required to prove that the cheque contained major discrepancies and it was cleared by the workmen.

The finding of the Inquiry Officer that the stand of the workmen that they acted under the orders of the Incharge Officer will not be taken to be a good defence in a criminal trial is not tenable. In cases of forged and fabricated

cheque is presented to an employee, his duty is to bring the discrepancies to the notice of the Incharge Officer. The Inquiry Officer has held that the workmen had done so. Mrs. Bawa told them that she had talked with the drawer of the cheque, Mr. Marwah and they should clear it. The workmen believed that she must have talked with Mr. Marwah, the drawer of the cheque and they acted accordingly. Mrs. Bawa told them black lies. She had malafide intention and extraneous reasons to get the cheque cleared by these employees. The only fault committed by these workmen is that they believed the black lies of Mrs. Bawa and acted according to her assurance.

Even in a criminal trial extenuating and mitigating circumstances are considered by a court of law. The recommendations of the Inquiry Officer for dismissing all the concerned workmen is not justified. He has proposed excessive punishment at least to the workmen of the present case in view of the fraudulent withdrawal of a large amount.

The punishment imposed on these innocent workmen for such lesser grave misconduct is harsh. It is disproportionate. It may be shocking to the conscience of any court. The punishment of dismissal cannot be inflicted on an employee who acts in good faith under the orders of his superior officer. The employees had no intention of misappropriation. They did not commit even abetment of misappropriation. Mrs. Bawa alone was responsible for the fraudulent withdrawal and these employees have become innocent victim of her evil design rather deception. The punishment imposed on them on their misconduct is excessive. Withholding of 2 increments with cumulative effect may be the appropriate punishment in the facts and circumstances of the case. The management rightly deducted the portion of the amount fraudulently withdrawn from the emoluments of these workmen. A heavy loss has been caused to the bank and the bank has every right to get it recovered from the employees who remained passive for causing such loss. The workmen deserve to be reinstated after withholding of 2 increments with cumulative effect. They have not worked for these periods all along and they have committed a less grave conduct, so they are not entitled to any back wages. The workmen are entitled to reinstatement with continuity of service with stoppage of

2 increments with cumulative effect but without back wages in the facts and circumstances of the case.

The references are replied thus :—

- (1) The action of the management of Bombay Mercantile Co-operative Bank Limited, 89 Mohamedali Road, Mumbai - 400 003, Branch Manager, BMCB Limited, Delhi Branch, Netaji Subhash Marg, Darya Ganj, New Delhi - 110 002 in dismissing/ terminating/ discontinuing the services of Mrs. Pooja Vinod Arya, Assistant Accountant with effect from 01-03-2005 is neither absolutely just nor valid nor legal. The management should reinstate the workman with continuity of service with stoppage of 2 increments with cumulative effect but without back wages within two months from the date of publication of the award.
- (2) The action of the management of Bombay Mercantile Co-operative Bank Limited in dismissing the services of Smt. Reeta Babbar w.e.f. 01-03-2003 is neither absolutely just nor fair nor legal. The management should reinstate the workman with continuity of service with stoppage of 2 increments with cumulative effect but without back wages within two months from the date of publication of the award.
- (3) The action taken by the Disciplinary Authority of Bombay Mercantile Co-operative Bank Limited in dismissing from the services of Mrs. Virendra Kumari, Ex. Clerk, Code No.2578 of Darya Ganj, Delhi Branch w.e.f. 01-03-2005 is neither absolutely just nor fair nor legal. The management should reinstate the workman with continuity of service with stoppage of 2 increments with cumulative effect but without back wages within two months from the date of publication of the award.

The award is given accordingly.

Date: 18-12-2007

R. N. RAI, Presiding Officer